RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 19

1738

MICROFILMED · BY · WM. L. McDOWELL

Vol

No 19

B P R O Journals B T Vol 45

Whitehall Wednesday Jan^y 11^th 1738

At a Meeting of His Majestys Comm^rs for Trade and Plantations

Present

Lord Monson

M^r Pelham M^r Plumer

. . . . . .

11^th January 1738

M^r Sweg Ag^t for South Carolina and also M^r Ward Ag^t for the Merchants of London and Bristol attending desired a day might be appointed for the hearing the matter relating to an Act passed in S Carolina in May 1731 concerning Paper Currency and their Lordships were pleased to name Thursday Sennight for the said hearing

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An Order of a Committee of Council dated Dec^r 23 1737 referring M^r Youlerbutler's Petition relating to a grant of Land in South Carolina was read and the Board Order'd a Letter to be writ to him desiring his Attendance to morrow.

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12^th January 1738

M^r Youlerbutler attending as desired the Lords had some discourse with him, and Order'd a Report to be

prepared

1738

prepared.

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13th January 1738

Mr Youberbuhler attending their Lordships had some further discourse with him and appointed Tuesday next for the hearing what he has more to offer in regard to his Petition

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17th January 1738

Mr Youberbuhler attending their Lordships had some further discourse with him on the Subject of his Petition.

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19th January 1738

Mr Terry Agent for South Carolina and Mr Hood Agent for the Merchants of London & Bristol attending (as appointed in the Minutes of Wednesday the 11th) and Mr Hood having given in his Objections in Writing to the Bill, the Board had some discourse with them and agreed to take the matter into their consideration Thursday Senny 21st this day Sennight.

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The Draught of a Report in answer to a Committee of Council, dated Decemr 23d 1737 referring Mr Youberbuhler's Petition

Petition mentioned in the Minutes of Wednesday January 11th was read and agreed to.

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20th January 1731

The Report in Answer to an Order of Committee of Council, dated Decemr 23: 1731 referring Mr Gerbetables Petition was read and Signed

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25th January 1731

Read the South Carolina Act for Paper Currency & took the same into Consideration, made some Progress therein.

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7th February 1731

Read a Letter from Mr Wood complaining of the hardships attending the Merchants by an Excessive Emission of Paper Money in South Carolina and by Duty laid on Negroes imported there, & by Subsisting Soldiers in Jamaica, and their Lordships agreed to take the affair into Consideration the first Opportunity.

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8th February 1731

Read a Letter from Mr Bull President of the Council and Commander in Chief of South Carolina giving an

Account

Account of the Death of Col Broughton Lieut Governor & President Middleton, and recommending Col. Joseph Blake and Charles Pinckney Esq. to Supply their Rooms in the Council.

' ' ' ' ' ' ' '

9th February 1738

A Representation to His Majesty recommending James Crochat & Edmund Atkins to be of the Council of S Carolina was ordered to be prepared

' ' ' ' ' ' ' '

10th February 1738

A Representation to His Majesty mention'd in the Minutes of yesterday recommending James Crochat Edmund Atkins Esq. to be of the Council in S Carolina was Signed.

' ' ' ' ' ' ' '

11th February 1738

The South Carolina Ordinance for asserting & maintaining the Rights and Privileges of His Majestys Subjects there to a free and open Trade with the Creek Cherokee and other Indian Nations in Amity with His Majesty's Subjects and for the better keeping those Indians in the Interest of Great Britain was read, and the Board Ordered a Draught of a Representation to be

prepared

prepaid which was afterwards agreed to and Signd

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1st March 1731

A Letter from His Grace the Duke of Newcastle Signifying His Majestys having appointed Samuel Horsey Esqr Governor of the Province of South Carolina in America, and directing his Commission and Instructions to be prepared was read and Draughts of the said Commission and Instructions were accordingly ordered to be prepared.

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10th March 1731

Their Lordships had under Consideration the Commission of Samuel Horsey Esqr and made some Alteration therein pursuant to the Directions of His Grace the Duke of Newcastle in his Letter of March 8th Instant.

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Ordered that Letters be writ to Mr Oglethorpe and Mr Horsey desiring their Attendance at the Board Tuesday next.

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11th March 1731

Mr Oglethorpe & Mr Horsey attending their Lordships had some discourse with them relative to their Commissions & made some Progress therein.

Read

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Read the Memorial of Mr Youberbubler for an Instruction to the Govr of South Carolina in behalf of his Settlement at New Windsor & other matters in that Province and their Lordships put off the Consideration of it to another opportunity

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21st March 1738

An Order of the Lords of the Committee of Council dated March 19th 1737/8 referring back to this Board their Report upon Mr Youberbublers Petition for an additional number of 12.000 Acres of Land in South Carolina was read, and the Board Ordered Notice to be given to Mr Youberbubler to attend on Friday next.

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24th March 1738

Mr Youberbubler attending according to Notice given as mentioned in the Minutes of Tuesday last together with Mr Symond Merchant their Lordships had some discourse with them and taking the affair of his Petition mentioned in the minutes of Tuesday last into Consideration made some Progress therein.

. . . . . .

11th April 1738

Read

Read the Draught of a Letter to His Grace the Duke of Newcastle together with the Draught of a Representation to His Majesty relating to the Commission & Instructions of Samuel Horsey Esq. and the same were agreed to & Signed.

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12th April 1738

Read a Letter from Mr Cleland dated Savy 10th 1738 inclosing Naval Office Lists of Vessels entd & Cleard at Charles Town & George Town in S Carolina from Mid Summer to Christmas 1737

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Mr Youberbuhler attending delivered the Copy of a Translation of two Letters from his Father to him mentioning some Expences he has been at in S Carolina and their Lordships having had some Discourse with him on the Subject of his Petition mentioned in the Minutes of 21st March last, directed a Report to be prepared.

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21st April 1738

The Draught of a Report to the Lords of the Committee of Privy Council, in answer to an Order of their Lordships referring back the Petition of Mr Youberbuhler was agreed to and signed

10th

10th May 1738

Read an Order of Committee of Council, dated may 8th 1738 directing this Board to report what Sum they shall think proper to be allowed to Messrs Stone and Abercromby, who were appointed by the late Govr of South Carolina to be Commissioners for Settling the Boundaries between that Province and North Carolina, and the Board appointed Wednesday next for considering that affair

17th May 1738

Mr Abercromby attending as directed by the Minutes of May 10th Instant the Board had some discourse with him on the Subject of his demand on Account of his running the Boundary Lines betwixt the 2 Provinces of S. & N Carolina and referred the further Consideration to another opportunity.

30th May 1738

An Order of the Committee of Council dated the 27th May 1738 referring the Petition of John Cartwright for a Grant of 200000 Acres of Land in South Carolina in order to make a Settlement thereon was read,

and

and Mr M^c Culloch as his Agent was directed to attend this Board on the Subject of the said Petition.

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Read a Letter to the Secretary from Mr Abercromby together with Papers relating to the Expences of running the Boundary Line between S^th & N^th Carolina

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1st June 1731

Col Harvey Gov^r of South Carolina attending the Board took into Consideration his Instructions together with his Observations upon them and made some Progress therein.

. . . . . .

Mr Attorney & Mr Sol^r General attending the Board had some discourse with them relative to the affairs of the Province of South Carolina, and when they were gone their Lordships directed the Secretary to write them a Letter containing several Queryes & desiring their Opinion thereupon.

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2nd June 1731

The Board had again under their Consideration the Instructions for Col^o Harvey Governor of South Carolina and made some further Progress therein.

6th June 1735

Mr McCullough attending acquainted their Lordships that John Cartwright & his Associates were men of Substance and Ability to perform the conditions of the said Mr Cartwrights Petition for 20000 Acres of Land in South Carolina, which was referred to this Board by an Order of the Committee of Council mentioned in the minutes of May the 30th

Mr Abercromby attending the Board had some discourse with him concerning his Letter to the Secretary mentioned in the Minutes of May 30th last and their Lordships were pleased to postpone their Report upon the Order of the Committee of Council mentioned in the Minutes of May 16th till the Arrival of proper Certificates to make out his Demand.

A Letter from Mr Bull President of the Council & Commander in Chief of S Carolina dated April 20th 1735 giving an Account of an intended Invasion upon Carolina & Georgia by the Spaniards was read and their Lordships transmitted a Copy of the said Letter & of the Affidavits annexed thereto in one to the Duke of Newcastle

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7th June 1738

The Board had again under Consideration Col Horseys Instructions and made some further progress therein and Col Horsey and Mr Sury then present were desired to attend this Board again on Thursday Sennight. at the same time their Lordships gave directions that a Letter should be writ to Mr Reed Agent for the Merchants of London and Bristol desiring his attendance upon the same day & that he would bring with him some Merchants in order to have their thoughts upon the Subject of the Money Bill.

Read an Order of Council directing the Board to prepare Instructions to the Governor of South Carolina & the Trustees of Georgia relating to the Differences between the two Provinces about Trading with the Indians & the said Instructions were ordered to be prepared.

Read an Order of the Lords of the Committee of Council dated 27th May 1738 directing an Instruction to be prepared for Col Horsey Governor of South Carolina to lay out the Land for the Township of Purrysburgh according to a former Instruction given to Governor Johnson.

and

and the said Instruction was orderd to be prepared.

9th June 1738

Read an Order of the Lords of the Committee of Council dated May 17th 1738 referring a Letter from Mr. Bull President of the Council and Commander in Chief of South Carolina to the Duke of Newcastle requesting a Supply of great Stores & Small Arms for that Province, and their Lordships directed that a Letter be writ to Mr Sury Agent for the said Province to come prepared on this Subject on Thursday next when he is to attend this Board.

The Copy of a Draught of a Report in consequence of the Petition of John Barbright for 200 000 Acres of Land in South Carolina referrid to this Board by order of the Committee of Council and mentiond in the Minutes of May 30th was orderd to be prepared.

13th June 1738

Read the Attorney and Solicitor Generals Report upon the several Charts that were sent to them by order of the Board as mentiond in the Minutes of the 1st Instant.

Read

Read a Letter from Mr Abercromby to the Board dated June the 8th 1731 relating to proceedings in the Court of Exchequer in South Carolina.

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14th June 1731

Ordered that the Secretary write a Letr to Mr Lane one of his Majestys Counsel at Law, desiring him to reconsider the Surry Act passed in South Carolina August 20th 1731

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15th June 1731

Mr Wood attending in behalf of the Merchants & Mr Surys Agent for the Province of South Carolina on behalf of the Paper Currency Bill, the Board had some discourse with them, when both Partys agreeing to rest the Merits of the Cause upon the Papers already delivered in, their Lordships entered into the consideration of the said Bill and Papers and made some Progress therein.

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Mr Mc Catch attending, the Board had some discourse with him on the Paper Currency, and on the Method proposed by him to be taken in passing Bills for that Purpose

Col:

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Colo Horsey likewise attending, was called in, & read to the Board several objections to the Paper Currency Bill as it now Stands.

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11th June 1738

The Board took again into consideracon the Paper Currency Bill of S Carolina and the Method proposed by Mr Mc Culloh for issuing Bills there and made some further progress therein.

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Read Mr Mc Culloh's proposals in behalf of Mr Cartwright and his Associates for Settling 200 000 Acres of Land to be granted between the Santee and Yatree Rivers in S Carolina, and the Board taking the same into their consideracon made some progress therein.

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21st June 1738

The Draught of a Representacon enclosing the Draught of an Instruction to the Govr of S Carolina in pursuance of an Order of Council mencond in the minutes of the 7th inst was agreed to and Signd as was likewise

The Draught of a Representacon enclosing the Draught of an Instruction recomended to the Trustees of

y^e Colony of Georgia in pursuance of the aforesd Order of Council

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22^d June 1738

The Draught of a Report in pursuance of an Order of Council dated May 27^th 1738 & mentioned in the Minutes of the 30^th referring the Petition of John Bartwright Esq^r for the Grant of 200 000 Acres of Land in South Carolina was agreed to and Signed.

. . . . . .

23^d June 1738

The Board had under Consideration an Act passed in South Carolina May 29^th 1737 Entituled an Act for Stamping Emitting and making Current the Sum of 210 Thousand Pounds in Paper Bills of Credit and for^r ascertaining and preserving the future Value thereof^r and after some time Spent therein agreed to reconsider it on Tuesday next.

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27^th June 1738

The Board took again into Consideration the Act of South Carolina mentioned in the Minutes of Friday last and order'd the Draught of a Report to be prepared upon the Subject of the said Act

5^t

3d July 1735

Read the Memd of Mr Hammerton representing some hardships that He, as Secretary & other His Majestys Officers in South Carolina, labour under as to business done by them for the New Comers Settling in the several Townships and the Board were of Opinion He should apply for redress to His Majesty in Council.

1st July 1735

The Draught of a Representation to His Majesty containing some Objections to an Act passed in South Carolina in May 1734 Entituled an Act for Stamping emitting and making Current the Sum of £210 000 in Paper Paper Bills of Credit &c and humbly proposing to His Majesty not to give His Royal Assent thereto, but to order an Instruction to the Governor now going to that Province to get a Law passed there for the same Purpose, and not liable to the same Objections was agreed to and Signed.

The Board took again into consideration the Instructions for Samuel Horsey Esq Governor of South Carolina & made a further progress therein.

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11th July 1733

The Board had upon under consideration the Instructions for Samuel Horsey Esq Governor of South Carolina and having gone through most of the Articles therein adjourned to Morrow in order to finish the Examination of them.

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12th July 1733

Read the Memorial of Mr Samuel Kragg praying that the Charge of transporting some German Familys to South Carolina according to Agreement may be paid by that Province out of the Fund appropriated for the Encouragement of Poor Protestant Familys to settle there and that this Agreement may be inserted in Colonel Horseys Instructions, and their Lordships acquainted Mr Kragg then present that the matter of the Memorial did not come properly before this Board

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Read a Letter to the Secretary from Mr Hood desiring in behalf of the Merchants Trading to South Carolina that he would move their Lordships to make a Report upon their Petition referred by the Lords of the Committee of Council against an Act passed in that Province for

enabling

emitting £210000 Paper Money there and their Lordships in pursuance of the said Letter order'd a Report to be prepared.

' ' ' ' ' ' ' ' '

The Board finished the Examination of Col: Horseys Instructions and ordered the same to be transcribed.

' ' ' ' ' ' ' ' '

13th July 1738

The Draught of a Report in pursuance of an Order of the Lords of the Committee of Council, dated the Fourth day of July 1731 referring to this Board the Petition of the Merchants of London in behalf of themselves the Merchants of Bristol & others trading to South Carolina against an Act passed there in May 1731 for emitting & making Current the Sum of £210,000 in Paper Bills of Credit &c was agreed to and Signed.

' ' ' ' ' ' ' ' '

The Draught of a Representation to His Majesty enclosing a Draught of Instructions for Colo Horsey was agreed to and Signed.

' ' ' ' ' ' ' ' '

A Letter to his Grace the Duke of Newcastle enclosing a Representation with Draught of Instructions for Colo Horsey apponted Governor of South Carolina was agreed to and Signed.

20th

20th July 1733.

Ordered that the Draught of a Report be prepared upon Mr Bulls Letter to the Duke of Newcastle relating to a Supply of great Stores &c for S Carolina referred to this Board by the Lords of the Committee as mentioned in the Minutes of Friday June 1st.

25th July 1733

A Report to an Order of the Lords of the Committee of Council dated the 11th of May last and mentioned in the Minutes of June 1st relating to the request of Mr Bull President of the Council & Commander in Chief in South Carolina concerning a Supply of Stores for that Province was agreed to and Signed.

A Representation recommending to His Majesty to Authorize by a Special Commission Col Horsey Governor of South Carolina, now going over to establish a Court of Exchequer in that Province was agreed to & Signed.

27th July 1733

Read Mr Sims Second Report upon an Act passed in South Carolina in 1731 for drawing Juries by ballot &

for

for the better Administration of Justice in Criminal Cases & advising the Repeal of it, & the Board Order'd the Draught of a Representation to be prepared accordingly.

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Read the humble Representation of William Bull Esq^r President & Commander in Chief of South Carolina relating to the antient Boundarys & also to the present State of that Province, & ordered a Letter to be writ to his Grace the Duke of Newcastle upon that Subject, which was immediately agreed to & Sign'd.

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10^th^ August 1735

A Representation to His Majesty relating to an Act passed in South Carolina in August 1731 mention'd in the Minutes of July 27^th^ last agreed to & Sign'd

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4^th^ October 1735

Read two Orders of the Lords of the Committee of Council both dated July 27^th^ 1738 the first referring to this Board the Petition of John Hammerton Esq^r to His Majesty relating to a Composition of Fees due to him as Secretary & Register of South Carolina and to other the Kings officers in that Province, for Surveying & granting the Lands in the New Townships, which Fees

the

the Publick Treasurer has refused to pay notwithstanding the Governors Orders to him for that Purpose. The other likewise referring to this Board the Petn of the said John Hammerton to His Majesty relating to the refusal made by the late Governor of South Carolina to admit the Petitioner to the Office of Register of that Province, tho granted to him by Letters Patents from his Majesty, and their Lordships agreed to take the said two Orders into Consideration on this day three Weeks, and at the same time directed the Secretary to write Mr Swy to attend the Board that Day.

11th October 1731.

Read a Letter from Col Bull President of the Council & Commander in Chief of South Carolina dated July 30th 1731 signifying that the Nation of the Chactaw Indians on the N.E side of the Mississippi River consisting of 16 Towns & 11000 Men who have hitherto been in the Interest of the French have lately sent several Messengers to the Government of S Carolina to propose and desire a Friendship and Commerce with the English, and the Board Ordered that search should be made into the Books of this Office, to see what Sums have been allowed for Presents to the five Nations

on

on the Boarders of New York and agreed to reconsider the affair so soon as that Account shall be laid before them Order'd at the same time that a Copy of the said Letter should be transmitted to his Grace the Duke of Newcastle.

. . . . . .

3th October 1738

The Letter to His Grace the Duke of Newcastle inclosing a Copy of that from Mr Bull President of the Council to this Board, mentiond in the Minutes of Yesterday was agreed to and Signd.

. . . . . .

19th October 1738

A Representation to His Majesty from the Chief Justice and other Officers of Justice in South Carolina relating to the passing an Act for the regulating a Court of Exchequer Erected in that Province, together with several Papers thereunto annexed, was laid before the Board and read.

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21st October 1738

Mr Hammerton attending this Day, instead of Yesterday, as had been appointed by the Minutes of Oct 19th together with Mr Sharpe his Solicitor & Mr Surge Agent

Agent for the Province of So Carolina, their Lordships took into consideration his Petition referred to them as mention'd in the said Minutes relating to the office of Register, which he claims by Letters Patent from his Majesty, and made some Progress therein.

' ' ' ' ' ' ' ' '

The Board had likewise under consideration Mr Hammertons other Petition mentioned in the same Minutes relating to the refusal made by the Treasurer of the Province to pay him and other Officers their Fees, notwithstanding the Govrs order to him for that Purpose, in which also some Progress was made.

' ' ' ' ' ' ' ' '

31st October 1738

The Board having again had under consideration the first of Mr Hammertons Petitions mention'd in the Minutes of the 26th Instant relating to the office of Register directed the Secretary to send to Mr Hammerton to desire his attendance to morrow.

' ' ' ' ' ' ' ' '

1st November 1738

Mr Hammerton attending as desired by the Board they had some discourse with him on the Subject of his Petition, mention'd in the Minutes of Yesterday.

and

and after some time spent therein their Lordships directed him to draw up a State of his case and lay it before them with all convenient Speed.

22nd November 1738

A Letter from His Grace the Duke of Newcastle, signifying His Majesty's Pleasure in appointing James Glen Esq to be Governor of South Carolina in the Room of Samuel Horsey deceased and directing his Commission & Instructions to be prepared, was read and Draughts of the said Commission & Instructions were ordered to be prepared.

25th November 1738

Read the Draught of a Letter to His Grace the Duke of Newcastle as also the Draught of a Representation to His Majesty relating to the Commission of James Glen Esq appointed Govr of South Carolina and the same were agreed to and Signed.

10th December 1738

Read the Case of John Hammerton Esq Register & Secretary of the Province of South Carolina, and the Board having considered the same order'd the Secretary

to

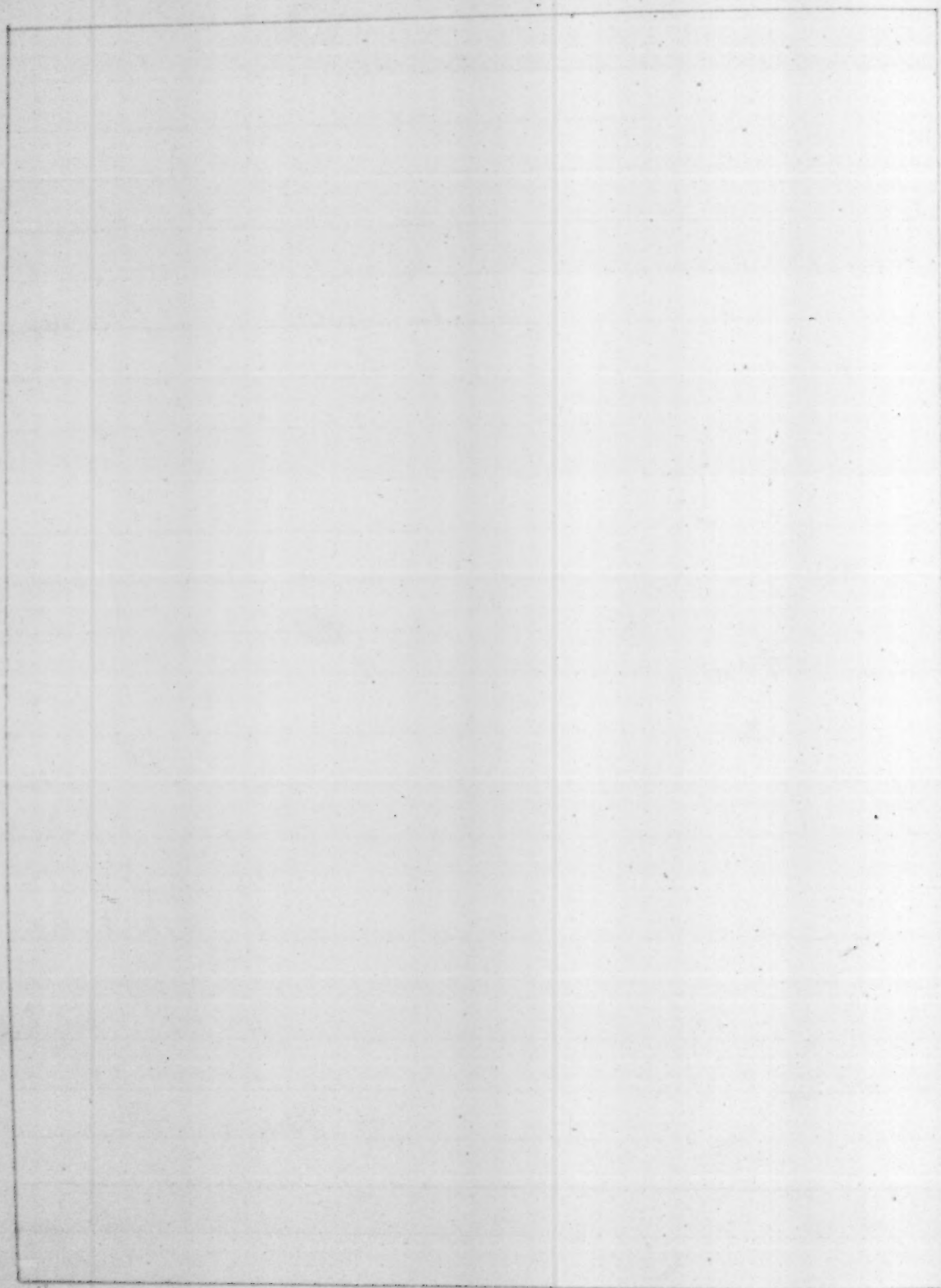
to write a Letter to Mr Jane desiring his attendance on Tuesday next.

. . . . . .

19th December 1751

Mr Jane attending, the Board had some discourse with him upon the Subject of Mr Hammerton's case and their Lordships directed that the Papers relating to it should be sent to him for his Opinion thereon and that Mr Hammerton should be desired to attend Mr Jane upon the said affair.

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B P R O. South Carolina B T Vol 9 f 71

(17 January 1735)

Observations upon considering an Act passed in Carolina Intituled 'An Act for Stamping Emitting and making Current the Sum of two hundred and ten thousand pounds in Paper Bills of Credit, and for ascertaining and preserving the future value thereof, to be let out at Interest on good Securities at Eight pounds p Cent p Ann for applying the said Interest to the purposes hereinafter mentioned, and for exchanging the Paper Bills of Credit in this Province and making them less subject to be Counterfeited, and also to encourage the Importation of Silver and Gold Coin into this Province.

1st It appears by the Depositions annexed to the Report of the Committee of the House of Assembly of South Carolina, that from 1703 to 1704 a Five Shilling Bill in the said Paper Bills of Credit, currently passed in exchange for eight Ryals, and that the Current Price of Silver was 7 £ in the Paper Bills of Credit for one ounce of Silver Troy by this Act, Silver is to be taken for the Interest mony due on the Bills issued and lent at the rate of 1. 17. 6 per ounce, and Gold at 27 p Ounce

2dly The Act of the 1st of Queen Anne, Declares

That

'That no Seville pillar, or Mexico piece of Eight tho' of
'the full weight of seventeen penny wt and a half, shall
'be accounted, received, taken or paid in any of the
'Colonies or Plantations, at or above the Rate of six
'Shillings p piece current mony" which is at the Rate
of £ s d
6 7 10 2/17 p Ounce, whereas by this Act, Silver
£ s d
is to be taken at 1. 17. 6 an Ounce which is 1. 12. 9 4/7
p piece, current money of Carolina.

3dly By the said Act of the 6th of Queen Anne
'No psons are compelled to receive any of the sd
'specie of foreign Silver Coins at the respective Rates
'in the Proclamation mentioned' Whereas the Bills of
Credit issued are declared by this Act "to be, to all
'Intents Constructions and purposes whatsoever, the law-
'full and current Money of South Carolina, and as
'such shall be taken, paid and received in all
'paymts whatsoever, due or hereafter to be due, owing
'or payable in this Province, Any Law Statute, Usage
'or Custome to the contrary in anywise notwithstanding,"
£
tho even Declared in the Act itself that the 210 000
to be issued by virtue of the Act, in paper Bills
of Credit, is but about equal to 30 000 £ Sterling
money of Great Britain and that Silver for the
s d
Int mony of such Bills shall be taken at 1. 17. 6

per

per ounce and Gold at 27^{s} per ounce, when the Rate of Silver in pieces of Eight or Bars, is but 5^{s} 3^{d} an Ounce and Gold but 5^{s} 11^{d} an ounce in London.

4^{thly} The taking measures by the Assembly of any one of the Colonies, to draw Silver from any other of the Colonies, and the setting any other Rates on foreign Silver Coin, than by the Act of 6th of 2 Anne are ill, is acting directly contrary to the 6th Act.

It will probably be objected that this they have not done, or that the Act, by wch they have Enacted this, is not to be in force till His Majestys pleasure be known thereupon, and that there is a proviso in the 6th Act of 6th 2. Anne whereby it is Declared "That nothing in this Act contained "shall extend or be construed to restrain her Maty "from regulating and settling the several Rates of "the 6th Species of foreign Silver Coins within Any "of the said Colonies or Plantations, in such other "manner and according to such other Rates and pro "portions, as her Majty by her Royal Proclamation "for that purpose to be issued, shall from time to "time judge proper and necessary or from giving her "Royal Assent to any Act hereafter to be made in any

of

'of the s[d] Colonies & Plantations for Settling and
'ascertaining the current Rates of such Coins within
'the said Colonies or Plantations, but that such further
'regulations may be made, and such Assent given, in
'as full and ample manner, to all intents and pur-
'poses, as the same might have been done in case this
'Act had not been made, and no otherwise, any thing
'before contained to the contrary hereof in anywise
'notwithstanding' To which it is answered.

That it is true there is a Clause suspend-
ing this Act, til his Majestys Royal approbation
be known, but tho' the Governor may have power
by His Instructions to pass a Law, for the issuing
of a certain quantity of Paper Bills when His
Majestys Pleasure should be known upon such Law,
Yet it is conceived he had not power by any In-
struction from the Crown, to give His Assent to
any Law, in which it is allowed, that Spanish or
English Silver Coins shall be taken at y[e] Rate
of £ 7. 7 Current money per ounce, and Gold at
the Rate of £ 27 p ounce, and that 5er p Cent
shall be discounted on all Duties inward paid in
Silver and Gold at the Rates aforesaid, on the
Contrary It is conceived, that the Governor of Carolina

is

is instructed as other Governors are instructed "to
"take care that the said Act, of the 6th of her
"late Maty Queen Anne be duely observed and put
"in Execution and not permit any Act or Order
"to pass in the Province, whereby the price or value
"of the Current money either Foreign, or belonging to
"the British Dominions shall be altered without
"His Majestys particular leave and Directions for
"the same" And it cannot be supposed that this
Proviso in the Act of 6th of Queen Anne, will in
any Sense warrant, without particular leave from
the Crown, even the Enacting two such Clauses in
the 8th & 9th of this Act passed in Carolina, for as
it is to be observed, That by the said Act of the
6th of Queen Anne it is provided and Declared "that
"nothing in the before recited Proclamation, or in this
"Act contained, shall extend, or be construed to com-
"pel any person to receive any of the sd Species of
"foreign Silver Coins at the respective Rates in the
"sd Proclamation mentioned," so the words in the above
mentioned proviso," but such further regulations may
"be made, and Assent given, in as full and ample
"manner to all Intents and purposes as the same
"might have been done in case this Act had not
been

'been made, and no otherwise,' are very necessary to be remarked on this occasion. Therefore considering the words, and the words of 'the other recited proviso, and 'that the Act of the 6th of Queen Anne was pro- 'fessedly made to enforce a Proclamation wherein it 'is Declared 'That Her Majesty having had under 'Her Royal consideration the different Rates at which 'the same Species of foreign Coins do pass in the 'several British Colonies and Plantations in America, 'and the several inconveniences thereof, by ye indirect 'practice of drawing the money from one Plantation to 'another, to the great prejudice of the Trade of her 'Subjects and being sensible that the same could 'not otherwise be remedyed than by reducing all the 'foreign Coins to the same Current Rate within all 'the British Dominions in America, 'That no Seville 'Pillar or Mexico piece of Eight tho' of the full 'weight of Seventeen pennyweight and a half, should 'be accounted received taken or paid within any of 'the Colonies or Plantations, at or above ye Rate of 'Six Shillings p piece current money' It is not to be supposed the advice of the Privy Council could upon any consideration be had either for issuing a Proc- lamation, or for giving Assent to any Act, for either

Silver

Silver or Gold to pass by Tale or weight according to the Rate settled or directed by this Act and as the Merchts may upon the Considerations mentioned reasonably presume to suppose this, so they may also presume to conclude, That an Act that does a thing which the Crown itself would not be advised to do, will not be permitted to be carryed into Execution, By having His Majestys Royall approbation.

5thly If there were not many ye strongest objections against issuing paper Bills of Credit wch do not carry at all times an assurance of money, that is of Gold and Silver at a fixed and certain Rate or Standard, and which Bills of Credit, all persons are obliged to take, in discharge of all and all manner of debts, the Commrs have furnished a very materiall one, by observing in their Report 'That upon 'ye Indian War, when the Province was generally look'd 'upon as lost ye Men gave any price for Bills of 'Exchange of the Produce of the Country' which observation is confirmed by a writer of a pamphlet in behalf of the paper Currency, printed in Carolina in the year 1731, who expresses himself in these words "Upon the Indian War, those who had paper Bills in their

'their hands, would give any price either for Silver
'or Gold, or our Produce, to send with their Familys
'&c. by this means Our Bills were so depreciated in
'their value, that they were not worth above one
"fourth part of what they had been." And what
both y^e Assembly and this writer, have thus ad-
mitted, plainly evinceth, That such Paper Bills of
Credit will never answer a Debt contracted in this
Kingdom or any other Country, and that therefore
to answer such Debt the person possessed of such
Bills must give such Price for the product or
Commodities of such Plantation, or for Gold or Silver,
or a Bill of Exchange payable in Great Britain,
as the owner of such product or Commodity, the
Proprietor of such Gold or Silver, or the Drawer of
such Bill of Exchange payable in Great Britain
shall require, or insist upon, which is equal to such
Bills bearing a publick Discount, or else he cannot
make a Return to Answer the Debt owing by him
to any person, or with whom he hath Dealings in
this Kingdom or any other Country, Consequently the
increasing the quantity in value of such Bills of
Credit in any of the Plantations, will necessarily raise
the product or Commodity of such Plantation, the

Rates

Rates of Gold and Silver and the prices of Bills of Exchange payable in this Kingdom, or in other words, diminish the value of such Bills of Credit to the generall Loss as well of all that have Estates and properties in such Plantations, as of those that Trade to such Colonies, to this Kingdom.

6thly The Rate of Exchange was before the Year 1709 at Par or only £100 Mony in Carolina was given for £100 Bills of Exchange & from 1709 to 1714 Sometimes given in Carolina more than £100 Currency of that province for £100 Sterling to be paid in this Kingdom but not at any one point of time more than 133 l. 8 Whereas since the Year 1714 the Exchange has been greatly rising in as much that at present there is given in the Currency of Carolina £750 or more for £100 Bill of Exchange payable in Great Britain.

7thly Rice was before 1709 £10 or thereabouts a hundred in Carolina & till the Year 1714 not higher at any time than £8 or thereabouts Whereas since that time it has been greatly rising insomuch that at this time it is at four pound a Hundred to be paid for it in the Currency of that Province

8thly The Framers of the Report have very greatly mistaken

mistaken Mr Lock and Shamefully made use of his Name to serve purposes which through the whole of his Peice on Money &c his stongly declares himself & is much in Judgement against

Recd
Read } January 17th 1771

B P R O South Carolina B T Vol 9 T 72

17th February 1727/8

Sir

Having received Letters Yesterday from Bristol, and this Morning a Letter from some Gentlemen in the City Trading to Carolina informing me, That their Correspondents had advised them that they apprehended it was intended by the Assembly of that Province to continue, or prolong the Act imposing Dutys on Negroes on Importation payable by the Importer, which expires in August next, I am to beg, on their behalf and at their Request, That you will move the Lords, that their Lordships will be pleased so to order it as that an Intimation may be sent to the Governor of that Province that he do not give his Assent to such Act being continued, nor to any other Act which shall lay a Duty on Negroes payable by the Importer, or in any other manner than he is permitted by his Majestys Instruction of the 9th June 1731. And I am to desire, at the same time, that you will Move their Lordships That they will be pleased to make their Report on the Act for Emitting £210 000 Paper Bills of Credit, the Traders writing me, That when the last Ships came from Carolina, £ 890 Currency

Currency was given for £100 Bill of Exchange payable in this Kingdom, and that, therefore, they were under the greatest Uneasiness till they knew what they had to depend upon, and till which there must be an intire Stagnation of Trade to that Province, as to themselves and all other Persons Trading on their own Accounts. Besides this, I am to beg that you will move the Lords, that they will be pleased to take the Act passed in Jamaica imposing Duties on Negroes, into Consideration, an Act very well deserving their Lordships Consideration, not only in respect to the Duty imposed but in respect to other Clauses in it, particularly, the Clause for Impowering the Officers of the Independent Companys to recruit in the Island, a Power not very consistent with the Preamble of an Act passed at the same time, Wherein it is De-"clared "That nothing can more effectually contribute "to the Advancement of the Interest of the Island, "or its Security against Foreign Invasion, and Insurrect-"ions of Negroes, than that there should be White "in proportion to Slaves &c" This is the Preamble to an Act for Obliging every owner to keep a White for every 30 Negroes &c or pay £3. 5 0 a Quarter Deficiency. And it is to be observed, That the Crown does not

permit

permit any of the Officers, whose Regiments & Companys are out of this Kingdom, to inlist Men in the Countrys where they are, that Mr Cunningham, before his Departure, long Solicited for Leave to recruit the Independent Company in Jamaica, in America, but could not obtain it, and that the permitting the Officers who have Companys in the Colonys, to recruit in any part of them, would be attended with great Inconveniency

I will trouble you no longer, than with observing that I am very much mistaken if the Act for imposing Dutys on Negroes, and the Act for Obliging the Inhabitants &c, be not both of them, passed in Terms contrary to the Instructions Mr Cunningham carried over with him, and which, upon his Death came into the hands of Mr Tracy. and with assuring you that I am very truly.

Sir

Your most humble Servant

Whitehall Febry 7 1737 Wm Wood

I had almost forgot to acquaint you, that since the passing the Act for Emitting £210 000 Paper Bills of Credit, the Assembly have passed another Act for Stamping and Emitting £ 35,000 in Orders, to be issued immediately.

Wood
Read 8 Feb 1737/8

(Enclosure)

South Carolina.

The joynt and several Protests of Arthur Middleton James Kinlock and Joseph Wragg Esqrs three of His Majestys Counsel against the Bill for Stamping remitting and making current 210,000 £ in Paper Bills of Credit.

1st The said Arthur Middleton James Kinlock and Joseph Wragg do hereby joyntly and severally protest against passing the said Bill for that there is no present Necessity for inlarging the said Paper Credit because it is notoriously evident that the course of Exchange between Sterling Mony and the present Paper Credit within the two years last passed hath advanced in proportion from seven to ten Shillings Carolina Mony on every Twenty Shillings Sterling to the great prejudice not only of all persons concern'd in Trade in this Province but to all the Merchants in Great Britain trading here & who have very large Debts outstanding in this Province.

2d For that it appears by the Bill itself that the Bills of Credit now proposed to be issued by this Bill have no manner of Proportion to Sterling or Proclamation Mony for that by the said Bill it is

Declared

Declared that the said Sum of 210000 £ of the said Bills is but equal to about 30000 £ Sterling.

3ly For that no meanes provided by the said Bill for ascertaining the value of the Bills thereof intended to be emitted or any provision made how the Proprietors of such Bills shall receive any recompence or satisfaction for the same.

4ly That notwithstanding there is no value annexed to the said Bills nor any Method prescribed for ascertaining the value of the same whilst in the Hands of the Possessors & Consequently the value of such Bills must be always fluctuating & uncertain yet they are made a Tender & forced on Payment on the Kings Subjects of all Debts past present & to come contrary to all Reason & Justice.

5ly For that as it hath been found by constant Experience that the continual Increase of this sort of Paper Money hath from time to time depreciated the Value of Paper Credit Brought up the Course of Exchange to what it is now viz £ Sterling upon of the New Current Bills for one Hundred pounds Sterling so by enlarging the present Currency the same will diminish its value increase the Price of the Commoditys of the Country raise the Course of Exchange

and

and be highly detrimental to such of the Trading Interest both here & in Great Britain who have Debts outstanding in this Colony to a very great Value.

6ly For that the Publick Duty to be paid to the publick Treasurer are allready appropriated by several Acts of Assembly allready now subsisting must be paid out from time to time as by such Acts are allready provided & there will be no Surplus in the Treasurers Hands to Exchange the said Bills intended to be thereby emitted to enable the Publick Debtors to pay off the intended Loan of Silver the Persons borrowing Money from the Publick must be defated in such their Expectation & the Publick likewise.

7ly For that the Commissioners appointed by the said Bill are thereby incorporated and declared to have Succession which We apprehend cannot be done without His Majestys especial Charter under the great Seal of England

8ly For that no Provision is thereby made for such as may be sufferers by Counterfeits which appears in very late instances to have been a great Damage to the Trading Interest by great Numbers of the former Bills being Counterfeited and no

satisfaction

satisfaction yet made them in those Hands. such
Counterfeit Bills did unfortunately happen to fall alltho
the same was in a great Measure owing to the
Negligence of the Commissioners in not taking Care of
the Plates.
4ly For that no means ought to be taken or
used by the American Assemblys to draw Silver from
one Colony to another being directly contrary to the
Statute of the sixth of Her late Majesty Queen
Anne nor ought any other Rule to be set on Foreign
Coins than are directed by the said Act.
Lastly. For that the sd Bills are made a perpetual
Bank & are perpetually Current which is expressly con-
trary to the Intent of the 21st Article of His Maj-
esty's Royal Instruction which recites the great incon-
veniencies that have heretofore happened in South
Carolina from the issuing of large Sums of Paper Money
without sufficient Funds for the Gradual Repaying and
Cancelling the same. For all which Reasons We pro-
test against the passing the said Bill & pray that
this Our Protest may be forthwith entred & recorded
in the Journals of the Council in Assembly

May 29th 1731.

Read
Read } Jan^{y} 19th 1737/8

B. P. R. O. South Carolina (B.T.) Vol 26. p. 249

Whitehall

Feb 10th 1737/8

To the Kings most Excell.t Majesty

May it please Your Majesty

Colonell Thomas Broughton Your Majestys Lieut. Gov.r of South Carolina and Arthur Middleton Esq.r lately members of Your Majestys Council there being Dead, and James Crookat and Edmund Atkins Esq.rs having been recommended to us as Persons every way qualify'd to serve Your Majesty in that Station. We humbly take Leave to propose that they may be appointed of Your Majestys Council in South Carolina, in the room of the said Col.o Broughton and Mr. Middleton.

Which is most humbly submitted

Monson.

E.o Ashe.

R. Plumer.

Ar. Croft.

Esq.r

B. P. R. S. South Carolina (BT.) Vol. 26. p. 250.

Whitehall

Feb 10th 1737/8

To William Bull, Esq.

Sir,

By Order of My Lords Commissioners for Trade & Plantations. I am to acknowledge the Receipt of Your Letter, dated Yr 10th of December last giving their Lordships an Account of Col. Broughton, late Lieut. Govr of South Carolina, and of Mr President Middleton, and naming Colo Joseph Blake and Charles Pickney, Esqrs as Persons properly qualify'd to supply their Places in Yr Council. In answer to which their Lordships, have directed me to acquaint You, that they should have obliged You in Your Nomination, but that James Crockat & Edmund Atkins, Esqrs had been well recommended to them, before the Receipt of Your Letter. I shall only add from myself, that, I am,

Sir,

Your most humble Servt

J. Hill.

E 4.

B.P.R. South Carolina (B.T.) Vol. 26. p. 251.

Whitehall.

Feb 14th 1734/5

To the Kings most Excellt Majesty.

May it please Your Majesty.

We have had under Our Consideration, An Ordinance passed in South Carolina the 26th of June 1736. Entituled an Ordinance for ascertaining and maintaining the Rights and Privileges of his Majtys Subjects of this Province of South Carolina to a free, open, and uninterrupted Trade with the Creek Cherokee and other Nations of Indians in Amity & Friendship with His Majestys Subjects, and for the better preserving those Indians in the Interest of Great Britain. And We have had the Opinion of Mr. Fane, one of Yr Majestys Counsel at Law thereon, who has no objection to it in point of Law, nor does any appear to us, why Your Majesty should not be graciously pleased to confirm it, but We humbly submit to Your Majesty, whether it may not be more proper to let the same lye by till the Disputes between the two Provinces of Georgia & Carolina shall be determined.

Which

Which is most humbly submitted

Wm. Pelham.

Ja. Brudenell.

R. Plumer.

Edwd Ashe.

Ed.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 253

Whitehall.

April 11th 1735.

To his Grace ye Duke of Newcastle

My Lord,

Having in Obedience to His Majesty's Commands signified to us by Your Graces Letter of the 3d of last Month, prepared the Draught of a Commission for Samuel Horsey, Esqr. to be Govr. of South Carolina and Lieut. General of the forces in South Carolina and Georgia. We take leave to inclose the said Draught to Your Grace, with Our Representation thereupon wch you will please to lay before His Majesty

We are.

My Lord,

Your Graces &c,

Monson.

M. Bladen.

R. Plumer.

R. Herbert.

Ed.

B P R.O. South Carolina BT Vol 9 f 77.

(13th March 1734)

At the Council Chamber Whitehall

the 13th day of March 1734

By the Right Honourable the Lords of

the Committee of Council for Plantation Affairs

The Lords of the Committee this day took into their Consideration a Report made by the Lords Commissioners for Trade and Plantations dated the 20th of January last, upon the Petition of Sebastian Youberbubler, praying for an Additional Number of twelve thousand Acres of Land, or otherwise that the forty eight thousand Acres mentioned in a former Petition may be laid out to him free of all fees of Grants, Plat and Surveys, and that the two Years to be allowed for his compleating the Introduction of Six hundred Swiss into South Carolina may be deemed to begin from October 1733 By which Report it appears that the said Mr Youberbubler had not made out to the satisfaction of the said Lords Commissioners, that he had been at any Extraordinary Charges in the Introduction of the fifty Familys already arrived in South Carolina And the Committee being attended hereupon by the said Mr Youberbubler, who informed them

them that he had been at considerable Charges on Account of the Introducing the said Familys into that Province. And that he could produce Mr Simond a Merchant of London being a Person of undoubted Credit to Verify the truth thereof — The Lords Committee are therefore hereby pleased to refer back the said Report to the said Lords Commissioners for Trade and Plantations that they may Examine the said Mr Simond and such other Persons as the said Mr Youberbuhler shall Produce, as likewise such Papers or Vouchers as he shall lay before them to Verify his Allegations concerning such Extraordinary Charges, and the said Lords Commissioners are to make their Report thereupon to this Committee.

Sr: Vernon.

(Enclosure)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council.

My Lords,

Pursuant to your Lordships Order of the 23d of December last, We have taken into our consideration, the Petition of Sebastian Youberbuhler, Setting forth

forth. That upon the Report of the Lords Commissioners for Trade and Plantations, he has been deny'd the benefit of four Hundred Pounds Sterling tho' it was given to Mr Purry by Act of Assembly of the 25th August 1731 and humbly praying, that His Majesty will be graciously pleased to Order the Governor of South Carolina to put him in possession of the forty Eight thousand Acres of Land mentioned in his former Petition, free of all Fees of Grants Plats and Surveys & that those Fees may be paid out of his Majestys Revenues in Carolina, Or else that His Majesty will be graciously pleased to grant him twelve thousand Acres of Land, as contiguous as may be to the proposed Settlement of New Windsor, over and above the forty Eight thousand Acres aforementioned and further, that in regard there is above a Year expired of the two Years mentioned in his Petition for compleating the Introduction of Six hundred Swiss which have been owing to the Delays he has met with in Solliciting this Affair, His Majesty would be graciously pleased to grant that the said two Years may be deemed to begin from October 1738"

Having on this Occasion been attended by Mr Youberbuhler, We take leave to acquaint your Lordships that

that, We do not find that the Petitioner has been at any Extraordinary charges in the Introduction of the Fifty Familys already arrived in South Carolina, part of the Six hundred Persons proposed to be settled there, or that he is obliged to be at the Expence of carrying over the Remainder, and therefore cannot recommend to His Majesty, that he should be put in Possession of the Forty Eight thousand Acres of Land free of all Fees of Grants Plats and Surveys and that these Fees should be paid Out of His Majestys Revenue in Carolina or that His Majesty should grant him, in lieu thereof, twelve thousand Acres over and above the forty Eight thousand Acres,

But as to the prolongation of time desired for the Introduction of the remaining part of the six hundred Swiss Persons if his Majesty Judges Proper to indulge the Petitioner therein and to allow that the same shall commence from October 1738, We do not apprehend, it can be of any ill Consequence to His Majestys Colony of South Carolina provided the Settlement be Com= pleated within two Years from that time

We are.

My Lords

Your

Your Lordships
most Obedient and most humble
Servant.

Monson
S. Pelham
Jn. Brudenell
R. Plumer

Whitehall
January 20th 1737/8

Copy.

Rec.d March 20th
Read Do 21st 1737/8

B. P. R. O South Carolina B. T. Vol 7. 376

(11th March 1731)

To the Right Honorable the Lords Commissioners for Trade and Plantations

The Memorial of Sebastian Youberbuhler.

Humbly represents unto Your Lordships.

That upon the late Colonel Purry's Importing some of his People into South Carolina, although the the then Governor thereof issued out a Proclamation forbidding all Persons, as had obtained Grants, to sell out any Lands within six Miles round about Twenty thousand Acres markd for the Township of Purrysburgh, yet several Persons by virtue of former Grants, not only Surveyed and run out Several Parcells of Land within the District of the said Town of Purrysburgh, but kept possession thereof until a repealed Order from his Majesty in Council was Signified to them, being very near two years, by which Obstructions very many new comers were reduced to very great Poverty, and some others obliged to withdraw from the Town of Purrysburgh for want of having their Country Lotts or Family Rights assigned to them. Now as your Memorialist is apprehensive of meeting with the like Obstructions within the District of the Township of

of New Windsor, where Two hundred of his Countrymen under the Conduct of his Father are actually Settled. He humbly hopes your Lordships will please to insert such Orders in the Instructions, to be given by His Majesty, to the present Governor of South Carolina, As may prevent the like Inconveniencies for Time to comes. And moreover to Instruct the said Governor of South Carolina, That the Government thereof may comply with the Resolution of the Governor and Council of South Carolina of the Month of June 1735. And by them confirmed the 17th day of July 1736 in Relation to the Provisions for one Year for one hundred families now fixed to consist of six hundred Persons, besides Tools, Utensils, and Cattle &c in the like manner as it was granted to People Settled at Purrysburgh. And likewise that the Time for Your Memorialists Importing the full Number of Six hundred Persons may be prolonged to Two Years from October next.

And as the Council of South Carolina have published a Declaration, dated March 3d 1736/7 in some of their Gazettes that there sinking Fund falls short of providing for the Settlers already arrived in that Province and also that the said Fund will expire in August

'August 1731 after which there is no provision for their 'Support' Your Memorialist humbly apprehends Many poor People, willing and ready to leave their native Country will be thereby discouraged. To prevent such Discouragement, He humbly begs leave to offer it to Your Lordships Consideration, whether the continuing of the said Sinking Fund arriseing out of the Duty on Negroes, Liquors &c for a few Years longer will not be advisable And Whether the Ceasing of the said sinking Fund will not affect Your Memorialist in Regard to the Resolution of the Council of South Carolina, in Point of Time.

All which is humbly Submitted to Your Lordships Consideration by

Your Lordships

Most Obedient and most Humble

Servant

London ye 10th March 1737/8 Sebastian Youberbuhler

Read March 10th
Read D d } 1737/8

B.P.R.O. A & W.I. Vol 19 page 88.

March 25th 1738

The President of ye Council of South Carolina Has intimated that the Assembly think it necessary to continue the Duty upon Negroes for a further terme of years the present Duty expiring next August which will be in the year 1738 it being graated for 7 years from the 20th August 1731.

It may therefore be necessary to give an Instruction to the new Governor impowering Him to pass an act for continuing the Duty upon Negroes for a farther Terme, This appearing to be a principall branch of the Publick revenue, there having been imported in the year 1735, as by a printed account from Charles Town 2907 Negroes which according to the present Act of Assembly pay £1.10. a head in all amounting to £4360. 10 Sterling

But in this Instruction to the Governor he may be restrained from passing such an Act unless Severall appropriations of the money be specified therein

One of which must necessarily be an Establishment for the Fort at Charles Town at present known by the name of Johnson's Fort, which during the time there was no Governor in South Carolina has been much neglected tho' it is the main defence and protection of

of that Harbour and the shipping in it.

The following Establishment is humbly offered as necessary to make that Fort of real use.

Captain of ye Fort at 8/ sterling p diem is p Annº	£ 144. - -
Lieutenant att 3/10 p diem	£ 69.14.2
Ensigne att 2/10 p diem	£ 51.14.2
Surgeon att 4/ p diem	£ 73. - -
One Master Gunner att 3/ p diem	£ 54.15.0
Two Gunners at 2/ p diem each	£ 73.0.0
Four Matrosses or Labourers at 1/6 p diem each	£ 109.10.0
A Store keeper all 2/ p diem	£ 36.10.0
	£ 614.8.4

This with the addition of some contingencys for Fire and Candle &c cannot amount to less than £650. in all for ye Fort. Other estimates for the support of the Government of that Province will be considered in proper time to be provided for out of ye Negroe Duty.

B. P. R. O. South Carolina (B.T.) Vol 26. p. 254.

Whitehall
April 11th 1738

To the King's Most Excellt Majesty

May it please Your Majesty.

In Obedience to Your Majesty's Commands signifyed to us by his Grace the Duke of Newcastle, one of Your Majesty's Principal Secretarys of State in his Letter of the 3d of last Month, We have prepared the Draught of a Commission for Samuel Horsey Esq. to be Your Majesty's Govr of the Province of South Carolina in the usual form, save only in such particulars as by Your Majesty's said Commands were to be altered, in order to preserve Mr Oglethorpe's Military Command, pursuant to Your Majesty's Commission already given to him.

We herewith humbly lay the same before Your Majesty, and shall prepare the necessary Instruction for him with all possible Dispatch.

Which is most humbly submitted

Monson.
M. Bladen
R. Plumer.
R. Herbert.

B.P.R.O. A & W.I. Vol 19 p. 89

Council Chamber the 20th April
1738

My Lord,

It is with great concern that I beg leave to acquaint your Grace with the Dangers we apprehend this part of His Majesty's Dominions to be under, & particularly that of Georgia from the great Preparations which have been made at the Havannah, which if carried into Execution with Success must have reduced that Colony as well as this to the utmost distress if not Entire Ruin. This formidable undertaking will appear more particularly by the Enclosed Depositions of Mr William Lyford & Capt Joseph Drew, who gave us the first Informations of it. To which I beg leave to refer Your Grace, Such a Situation obliges us to repeat our application to Your Grace for your Powerfull Intercession to His Majesty for his further Protection and Assistance for these frontier Parts of his Dominions, which lye so much exposed, and notwithstanding the Pretences of the Spaniards that their Intentions against these parts of His Majestys Dominions are laid aside Your Grace will give me leave to say we have too much reason to believe the Contrary since they still continue to keep the thirty-seven

seven Pinaces and Lances six half Galleys mentioned in the above Depositions at St Augustine where they can possibly be of no use or Service to them unless they continue their first Design of making a descent upon Georgia in which case they will be of Singular Service to them and of the utmost disadvantage to us.

I further presume to take notice to your Grace that the Spaniards are going to settle the Old Apalatchie Towns which were formerly possessed by the Spaniards & the Apalatchie Indians Who were conquered & dispossest by the English of Carolina & Indians in Amity with this Government in the Year 1702 or 3 under the Command of Colo Moore, A more particular account of which I am preparing to represent and lay before your Grace I am with great respect

My Lord
Your Graces
Most Obedient and
most humble Servant
Wm Bull

To his Grace the Duke of Newcastle

B P R O South Carolina B T Vol 9 T 82.

Council Chamber the 20th April 1739

My Lords

I beg leave by this Opertunity to lay before Your Lordships the Informations we have lately received of the great Preparations which were made at the Havannah to Invade this Part of His Majestys Dominions & particularly the Colony of Georgia I take Leave to observe to Your Lordships that the Spaniards have given out a Report that their design is now layd aside in Consideration as they pretend that Gibraltar, Port Mahon, & Georgia are to be given up to His Catholick Majesty, but how far that is to be credited or depended on Your Lordships best know. However in the meantime the Spaniards are Sending men to Settle a Fort at the Apalatchie Old Towns, which Place was Conquered in the Year 1702, or 3, by the People of Carolina, with some Indians in Amity with this Government, under the Command of Col Moore, A more particular Account of which as soon as it can be prepared shall be represented & layd before Your Lordships I am with great respect

My Lords

Your

Your Lordships
Most Obedient and most humble Servant
William Bull

To the Right Honble The Lords Commissrs for Trade & Plantations

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(Enclosure)

South Carolina
In the Council Chamber Sunday 11th April 1725

Joseph Drew of the Province of S. Carolina Marriner being Examined maketh Oath That the Deponent Sailed from the Harbour of Port Royal in the Province aforesaid on board the Schooner Beaufort, whereof the Deponent was then Master on the fifth day of may last past for St Augustine on the Coast of Florida, where the Deponent arrived on on the twelft day of the same Month, That soon after the Deponents arrival at St Augustine he was taken Sick, and that during his Sickness the Schooner which was under his care was hired by the Governor of St Augustine to go to Apalatchee, and the Depont on Account of his Sickness was obliged to Stay at St Augustine, That upon the Deponents recovery, Capt Caleb Davis an English Trader at St Augustine

Augustine hired a Sloop to the Spaniards to carry some advices to Havannah, and the Deponents Schooner not being arrived from Apalatchee the Deponent was Employd by the said Davis to take care of the said Sloop to Havanna, for which place the Depont on the 11th July last Saild in the said Sloop under the Command of Diego Gonzales de Lieg, with one English Man and five Spaniards: That the Deponent arrived at the Havanna on the 22d of August last. That the Deponent Stayed at the Havanna Sometimes on Shore and Sometimes on board his Sloop, until the 21th Sept, when one Dr Antonio de Arcedenda Chief Engineer at the Havanna, Sent a Servant to the Deponent on board the aforesaid Sloop with a Message that he wanted to Speak with him, that as Soon as the Deponent entred the said Engineers House, the said Engineer bolted the door upon him, and an Officer that was there present told the Deponent, that he was a prisoner by order from the Governor of the Havanna, and that the Governor only wanted to Speak with him, and that he would then have his Liberty again, and the Deponent was kept at the Engineers House till the Evening when the Ave Maria Bell rings, and then the said Officer carried the Deponent to a

a Calash with his Hand tied to a Soldiers Arm till they came to the water Side, and then put him into a Canoe, and carried him over the Water in the Moor Castle, where the Deponent was confin'd Six Months and five Days. That after the Deponent had been there about four Months the aforesaid Engineer came to the Deponent one morning before day & Examin'd the Deponent concerning his knowledge of the Coast of Carolina, and Shew'd him a Plan or Chart of the Coast from Charles Town Barr to St Augustine, but the Deponent excused himself by Saying he was but a Stranger in Carolina, and had Settled there very lately. That whilst the Deponent was under Confinement, he was informed by the Adjutant of Moore Castle, that the Deponent was confin'd in order to be a Pilot in an Expedition, which was then forming against Savanna which the Deponent Apprehended to be Georgia. That during his stay at the Havanna, it was very plain and publickly known, the Governor of the Havanna was preparing a Force to Invade the Province of Georgia. That particularly he had provided two 60 Gun Ships. One 30 Gun Ship two 20 Gun Ships and two Sloops of 8 Guns each, and that there was a Talk of Embarking in these or

some

some other Vessels Seven Thousand men, That about the begining of March, he was informed that an Express was arrived from Old Spain at the Havanna, which was first put on Shore at St Domingo from thence conveyed to Jago de Cuba and from thence over Land to the Havanna, which Express (as this Examinant has likewise been informed) Imported Orders from the Court of Spain to put a Stop to the Intended Invasion of the said Province of Georgia, for that there had been an Agreement between the Crown of England and Spain, and that it was currently Reported that by such Agreement the said Province of Georgia, Gibraltar and Port Mahon were to be Surrendred to the Court of Spain, or that there was Concessions between the said Crowns of that or the like nature. That on the 21st day of March last, this Examinant saw the 2 Sixty Gun Ships before mentioned unrigd being hauled up behind the Town, but that the 30 Gun Ships, and the two 24 Gun Ships remain'd in a Condition of Sailing and that it was reported the 30 Gun Ship was to Sail for La Vera Cruz, as belonging to Old Spain, That on the 21st Day of March, he was put on board one of the said 24 Gun Ships, which the same day

Sailed

Sailed for St Augustine. That there Sailed likewise from the Havanna in Company with them One small Ship, two Snows, and one Schooner as Transports with 300 Soldiers and 80 Spanish Servants all which Vessels arrived off the Barr of St Augustine the 2d day of April Instant, that the said small Ship 2 Snows 1 Sloop and the Schooner went into the Harbour, That the said Soldiers and banished persons were put on Shore as was likewise this Examinant, who then saw Lying in the Harbour one Spanish Sloop, 6 Galliots 37 Launces and Pinaces, and two English Sloops besides the Vessels before mentioned to have entered the Harbour, & which came in Company with the 24 Gun Ship from the Havanna, and this Examinant further saith that during his Stay in Town a Proclamation was Publickly read in the Streets, purporting that all the Negroe Slaves that had run from the English should have their Freedom. That the 24 Gun Ship in which this Examinant arrived at St Augustine and one of the Sloops in Company Sail'd on Friday the 7th Instant to the best of this Deponents Remembrance as he was informed upon a Cruze, and that it was reported likewise that all the Small Craft except one Galliot 2 Launces

and

and one Pinnace were to Sail for the Havanna, on Friday next, being ye 11th Instant. That whilst the Deponent was at Augustine he was Informed that the Schooner of which the Deponent was Master, was sent unto the Bay of Apalachie with five Guns, where three Guns were left in a Small Pallisado Fort, and the Deponent was also Informed that one half of the Banish'd Persons, and one hundred of the recruits lately arrived at St Augustine were to go to make a Settlement at Apalachie.

Sworn before me in the Council Chamber the 11th Day of April 1735

Joseph Frew.

William Bull

A true Copy of the Original I Badenhop C C

(Enclosure)

Beaufort April 1st 1735

This Day Appeared before me Capt William Lyford late Commander of Fort Frederick and being Sworne upon the holy Evangelists Deposes that upon the third Day of April instant Bound from Philadelphia for St Augustine, Saw Two Top Sail Vessels and two Sloops at Anchor before St Augustine Barr, and one Ship and A Vessel which he believes was A Top Sail

Sail Vessel Coming to the said Barr. The Ship when he saw her was within Two Miles of the Vessels lying at Anchor. He was within three Miles of the Ship that lay at Anchor off the Barr could perceive her Ensign Staff and could see the Boats passing to and from the Town to the Vessels lying off. He shew'd his Colours and they shewed none to him; which makes him believe them to be Spanish Vessels.

Sworn before me — William Lyford

Thos Wigg

Came also before me William Hodge and William Patterson Seamen aboard the Sloop Unity Captain Bruay Master and being Solemnly Sworn upon the Holy Evangelists, and Interrogated Depone the same as the above William Lyford, That they saw the above Six Vessels off St Augustine Barr.

Sworn before me — William Hodge

Thos Wigg — William Patterson

A true Copy of the Original

I Badenhop C. C.

Rec[d] June 5[th]

Read D[o] 1[st] } 1738

B. P. R. O. South Carolina (B.T.) Vol 26. p. 255.

Whitehall

April 21st 1718.

To the Rt Honble the Lords of the Lords of the Committee of his Majesty's most Honble Privy Council

My Lords.

Pursuant to your Lordships Order of the 19th of last month, referring back to us Our Report of the 20th of Jan'y last on Mr Louberbuhlers Petition, praying to have his 48,000 Acres of Land, laid out to him at his Majesty's Expence, or an additional number of 12.000 Acres of Land that We should examine Mr Simond, & such other Persons as the said Mr Louberbuhler should produce, as likewise such papers or Vouchers as he should lay before us to Verify his allegations concerning the extraordinary Charges he had been at in the Introduction of the 50 Swiss Families already arrived in South Carolina; We have been attended by Mr Simond who acquainted us that he had been employed to hire a Ship, to carry some Swiss Family's to South Carolina and had accordingly provided One at Rotterdam at the time appointed, when 190 Swiss did arrive there but

but were detained upon demurrage some time by Order of the Government of Holland, whereby an additional Charge of £134.10 was incurred, which said sum he the said Simond drew Bills on Mr. Louberbuhler, Father to the Petitioner in Carolina, he further acquainted us that the whole Expense of carrying over the said Family's was very great but he does not know by whom that Expense was born nor whether the Additional Charge was on the Petitioners sole Account, but that he has heard, that several of those that went in that Embarkation, were people of Substance and capable of bearing their own Expences.

Mr. Louberbuhler likewise produced papers relating to some further expences in Carolina to about the Value of 30 pistoles, but neither from them nor from what Mr. Simond Layed before us, do We see any reason to alter Our Opinion in Our Report to your Lordships of the 20th of January last or to recommend to his Majesty the granting the prayer of his said Petition. We are, my Lords

Your Lordships,

most obedient & most humble Servts

Monson, Edw: Ashe, R. Turner, P. Herbert.

B.P.R.O. South Carolina (B.T.) Vol. 26. p. 359.

Whitehall
May 30th 1732

To his Grace the Duke of Newcastle.

My Lord,

Understanding that your Grace is desirous Colo Horsey's Instructions for ye Government of South Carolina should be dispatched as soon as possible. We take leave to acquaint you, that We have had those Instructions some time under Our Consideration. But We find both the Provinces of South and North Carolina in very great Confusion with respect to their Titles. ye Kings Land Rents. Paper Money. Duty on Negroes and many other Particulars which should if possible be settled before Colo Horsey goes to his Government, or he will not have it in his power to give the People any Satisfaction in these important Points. For which reason We are now preparing a Representation upon Heads to be laid before ye Lords of the Committee for their Opinion thereupon. previous to the fixing of Colo Horsey's Instructions; Which We apprehend may be for his Majesty's Service. But if your Grace is desirous that Colo Horsey should be dispatched with

with the same Instructions his predecessors had, they may soon be ready for his Majesty's Consideration upon which you will be pleased to let us know your Intentions. We are &c,

My Lord &c,

Monson.

M. Bladen.

R. Plumer.

Esq.

B. P. R. O. A & W. I. Vol 623

Council Chamber, April 21st 1738

South Carolina.

James Howell, Inhabitant of this Province and Master of the Schooner Beaufort, being duly sworn and examined, says, That about the 12th of January last this Deponent sailed from Beaufort in this Province to St Augustine, where he arrived about the 15th of that month; and after this Deponent had discharged and disposed of his Cargo there, he applyed for a clearance, in order to take his Departure from thence; Whereupon the Governor then said, this Deponant was not to go away till another Vessel came in, which this Deponant afterwards understood was meant till some expected advice was brought from Havannah. So that this Deponent was ordered to stay there, and his Vessel then sent to the Havannah; and during this Deponent's stay at St Augustine no Englishman was suffered to write or speak to another. This Deponent also says, that during this Deponent's stay at St Augustine the Governor of that place dispatched a Pettiaqua with 20 men to keep a Look out at St Aug; and this Deponent heard the Commander of that Pettiaqua

say

say, that he was not to open his Instructions till he arrived at St Juans. This Deponent also says that about the 20th of last month, there arrived at St Augustine 37 Pinnaces, Galleys Launches well manned and arm'd, particularly the Galleys, which were 6 in Number, well built, and made on purpose to go in Shoal Water, each of which had 3 Guns, 12 Pounders, in their Bows, and fifty Soldiers And about the first of this Instant there arrived also at St Augustine 3 Snows and 2 Scooners with Provisions, attended by a 24 Gun Ship of War and a Sloop of 10 Guns. By one of which Snows, this Depo-nent understood, a Packet of Advice came to the Governor of St Augustine to countermand the Expedition intended against Georgia, for this Deponent heard it commonly Spoke of there, that the Design of the several Preparations made at St Augustine was intended against Georgia. This Deponent also says, that he had used the Trade of that place for this Five years past, and that there were more here-tofore than 500 Men Garrisoned there in this Deponents Remembrance, and that there were, at the time of this Deponents leaving it, about 1500 Disciplined Men and 200 Florida Indians, which arrived there from

Cape

Cape Florida in a Sloop and Schooner from thence about the first of this month This Deponent also heard that the said Forces at St Augustine were to be joined by other Forces from the Havannah, making together 7000 men, 2 Sixty Guns Ships, and other Ships of War; and that 100 Great Guns were put on board a Spanish Man of War to settle a Fort at + Frederica, and that it was spoken of there that 1500 French from Canada were to join the Spanish Forces on their Settling of Georgia. This Deponent says he has no Reason to think the Spanish Designs against Georgia are as yet Suspended, but that he, this Deponent, and the rest of the English at St Augustine had leave to come away on that Vessell's arrival; And that he, this Deponent, heard the Captain of the Horse at St Augustine say, that the Government of England had agreed, that Georgia should be evacuated in 6 months then ensuing, and that was their Reason of their Keeping a Launch and a Pinnace behind In which the Governor was to send an Officer in about a Fortnight then after, to go and demand a Surrender of Georgia; and the Captain of the Horse at the same time

+ There is a Fort already erected at that place, by Mr Oglethorpe w^th a Garrison in it. It is looked upon to be a Post of great Importance

time said, that all the rest of the Pinnaces, Galleys and Launches, were to be sent back to Havannah in a few days, and that the Indians were to Return to Cape Florida. This Deponent also says, that the Man of War and Sloop of Ten Guns were sailed for the Havannah before this Deponent came away. And this Deponent further Says, that some time before he heard a Proclamation made at St Augustine, that all Negroes, who did, or should, hereafter, run away from the English, should be made free; and the said Proclamation had Effect accordingly; for several Negroes who run away thither, and were sold there, were thereupon made free, and the Purchasers lost their Money.

James Howell.

April the 21st 1738.
Sworn before me
Wm Bull.

B P R O South Carolina B T Vol 9 379.

(11th May 1731)

At the Council Chamber Whitehall
the 11th day of May 1731

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs.

The Lords of the Committee this day took into
their Consideration, a Report made by the Lords Commiss
ioners for Trade and Plantations upon the Petition of
Alexander Skene and James Abercromby, appointed by the
late Governor of South Carolina to be Commissioners for
Settling and Adjusting the Boundarys between that Prov
ince and North Carolina, Praying to be paid the said
Service - And their Lordships having likewise taken into
Consideration another Report made thereon by the Auditor
General of His Majestys Plantations, wherein He certifies,
that He hath no objection to the Petitioners being paid
for that Service such Sum, as shall be thought rea-
sonable out of the Quit Rents arising in the Province
of South Carolina. Their Lordships are thereupon hereby
Pleased to Order, that the said Lords Commissioners for
Trade and Plantations do Consider of and Report to this
Committee

Committee, what Sum they shall think proper to be allowed to the Petitioners, over and above the Sum of Fifty Pounds already paid to them by Order of the Assembly of South Carolina.

Ja: Vernon.

Read May 10th
Read 0 } 1735

B P R O South Carolina B T Vol 9 f 83

(25th May 1733)

At the Court at Kensington

the 25th day of May 1733

The Kings most Excellent Majesty in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 18th of March last in the words following Viz:

'Your Majesty having been pleased by your order in Council of the 24th of November 1731 to refer unto this Committee the humble Petition and Representation of the Council and Assembly of Your Majesty's Province of South Carolina complaining that the Magistrates or other Persons employed in Georgia by the Trustees of that Province under Colour of a Law past by the said Trustees for maintaining Peace with the Indians in that Province have Molested and Obstructed the Inhabitants of South Carolina in carrying on their Trade with the Indians notwithstanding they were regularly Licenced in Carolina for that Purpose And that the said Magistrates or other Persons have likewise Seized the Goods belonging to the said Inhabitants of Carolina under Pretence that they were within the

Province

Province of Georgia And that the said Inhabitants ought not to Trade there without taking Licences at New Savannah in Georgia from the Commissioner appointed by the Trustees for that Purpose And Your Majesty having been pleased likewise by another Order in Council of the 31st January 1736 to referr unto this Committee the humble Petition and Representation of the said Trustees complaining of the Lieutenant Governour Council and Assembly of South Carolina for having opposed the Execution of the aforementioned Act for maintaining the Peace with the Indians in the Province of Georgia which Act was Approved by Your Majesty in Council on the 3d of April 1735 And also for having past an Ordenance in an Illegal manner for raising two thousand pounds Sterling to indemnify the Traders from Carolina in their Contempt of the said Act The Lords of the Committee have in Obedience to Your Majesty's said Orders of Reference taken the said Petitions and Representations into their Consideration and have received the Opinion of the Lords Commissioners for Trade and Plantations thereupon and have likewise heard Counsel as well for the Colony of South Carolina as for the Trustees for the Province of Georgia and it appearing that the matters in dispute between these

two

Two Provinces relate chiefly to the manner of their carrying on a Trade with the Indians And their Lordships considering that these Differences whilst they Subsist may occasion the loss of those Mutual ages which would otherwise arise by the said Trade to the mutual benefit of both the said Provinces And may likewise be a means of interrupting and destroying that Amity and good Correspondence which ought to be maintained and cultivated with the said Indians Do therefore think it most advisable that the matters in difference between the two Provinces should be accommodated if possible in an Amicable manner Their Lordships therefore did not think it proper to come to any final Determination but Do humbly propose to Your Majesty to recommend it to the Trustees for the Province of Georgia and likewise to Instruct Your Governour of South Carolina to recommend it to the Council and Assembly of that Province to prepare Acts respectively for Settling the Indian Trade to the mutual benefit and Satisfaction of both the Provinces And that in the meantime any Instruction may be given to the Trustees of Georgia to Direct their Commissioner in that Province to Grant Licences to all Persons who shall apply for the same and shall

shall bring Certificates from the Governor and Council of South Carolina that they are Persons proper to be Licenced to Trade with the Indians <u>such Persons giving reasonable Security</u> to demean themselves well towards the Indians in Amity with the Crown of Great Britain And that the said Trustees may likewise be Instructed to forbear (as they alledge they have hitherto done) to Levy upon such Traders the five Pounds or any part thereof which they are impowered to raise upon the Indian Traders by Virtue of the aforementioned Act for maintaining the Peace with the Indians. The Lords of the Committee Do further humbly Represent to your Majesty that with regard to the Ordinance past in South Carolina on the 21st of June 1731 which is Complained of by the Trustees of Georgia Entituled An Ordinance for Asserting and Maintaining the Rights and Privileges of his Majestys Subjects of this Province of South Carolina to a free Open and uninterrupted Trade with the Creek Cherokee and other Indians in Amity and Friendship with his Majestys Subjects and for the better preserving those Indians in the Interest of Great Britain It appeared to their Lordships that the same was past in a very irregular and Precipitate manner the Governor having issued his Proclamation on the

the 11th of June 1731 for Convening the Assembly on the 20th of the said Month notwithstanding the said Assembly was under an Adjournment from the 29th of May preceding to the first Tuesday in September following And it appeared likewise that the said Ordinance was past by the said Assembly And also by the Council and Assented to by the Lieutenant Governor on so short a Space of time as between the 20th and 21st days of the said Month of June.

And their Lordships to further humbly Represent to Your Majesty that the Lieutenant Governor in giving his Assent to the said Ordinance hath Acted contrary to Your Majestys Instructions And the Lords of the Committee being of Opinion that it is of the utmost Consequence to Your Majestys Service and Absolutely necessary for the well Governing the several Plantations and Colonys in America that such Extraordinary and unjustifiable Proceedings should be discountenanced Do therefore humbly advise that the aforementioned Ordinance should be Disallowed by your Majesty.

His Majesty this day took the said Report into his Royal Consideration and having been pleased with the advice of his Privy Council to Approve thereof Did thereupon Signify His Disapprobation and

Disallowance

Disallowance of the said Ordinance past in South Carolina on the 26th of June 1731 And His Majesty is hereby pleased to Order that the Lords Commissioners for Trade and Plantations do prepare Draughts of Instructions for the Governor of South Carolina and the Trustees for the Colony of Georgia according to what is Proposed by the said Report And Present the same to His Majesty at this Board for His Royal Approbation

Ja. Vernon

Rec.d May 31st
Read June 7th } 1733

B.P.R.O. South Carolina B.T. Vol 4 355

(17th May 1735)

At the Council Chamber Whitehall
the 17th day of May 1735

By the Right Honourable the Lords of
the Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order
in Council of the 12th of February last to refer unto
this Committee a Letter from William Bull Esq.
President of the Council and Commander in Chief of
His Majestys Province of South Carolina to His Grace
the Duke of Newcastle One of his Majestys Prin-
cipal Secretarys of State, humbly requesting that a
Supply of Great Stores and Small Arms may be
sent over to that Province, according to the List con-
tained in the Report of the Commissioners of the
Fortifications therewith transmitted — The Lords of the
Committee this day took the said Letter and Report
of the Commissioners of the Fortifications into consid-
eration, and are hereby pleased to refer the same
to the Lords Commissioners for Trade and Plantations,
to consider thereof and Report their Opinion thereupon
to this Committee.

Ja. Vernon

(Enclosure)

(Enclosure)

My Lord

The Apprehensions we lye under of being Invaded by the Spaniards has taken up the consideration of the General Assembly who have come to such Resolutions and Entered into all proper Measures possible to put this Province in the best posture of Defence, Several New Batteries have been raised in such Places as were thought the most likely to annoy the Enemy from, And to keep them if possible from Entering this Harbour, Additions have likewise been made to the Fortifications of the Fort at Port Royal, But as the Artillery which His Majesty was graciously pleased to send us some Years Since, is already Mounted, and more wanting to make the New Batterys usefull, the General Assembly has Advised me to move His most Sacred Majesty for His Royal Assistance in so Essential a Point as the Fortifying this Province against the attacks of His Majestys Enemys and also for that purpose to Besseech His Majesty to send us a Quantity of Small Arms for the new comoners that they may be rendered Serviceable upon occasion

The proofs Your Grace has already given of

of Your good intentions and the application for the Welfare and Safety of this Province, leaves me no Room to doubt But Your Grace will Still continue to Grant A Your Powerfull Assistance and that you will be pleased to lay this Our humble request before His Majesty, Backing it with Your Intercession

I Enclose to Your Grace a list of what Artillery Small Arms and Utensills We are in want of.

I am with the gratest Respect
My Lord
Your Graces
most humble and most Obt Servt
Wm Bull

Charles Town
23d Decemb. 1737
His Grace the Duke of Newcastle

(Enclosure)

To the Honourable Wm Bull Esq President and Comander in Chief in and over His Majestys Province of South Carolina &c

Whereas Your Honour was pleased on the 19th Instant to acquaint us with your Intentions of making Speed Application to the Throne in hopes of Obtaining a

further

further Supply of Ordnance and Warlike Stores and therefore Directed us the Commissioners of the Fortifications to Report the Number and Condition of the Ordnance now in the Province and how many are still wanting to mount the Works which are already Erected or now carrying on, Pursuant to Law.

In Obedience to Your Honours Commands We have very particularly Examined what might be needfull to Enable us to form a Report with as much Exactness as possible

In Charles Town the Number of Ordnance on the 9th of August 1785 was Reported to the late Governor by Capt Thomas Loyd, who then was and Still is Gunner of the Fortifications in said Town, to amount in all to Seventy three of which Number 31 were Defective and only forty two Viz 18 Demy Culverin 19 Saker and four Minion were fit for Service, Exclusive of the 72 pieces which his Majesty was Graciously pleased to Send over in Governor Johnsons time

At Johnsons Fort there are only 12 Indifferent Good mostly 9lb Shott and 2 Small Guns of 3lb Shott

Besides those before mentioned there are five

or

or Six Cabinets only Fit for Inland Palisade Forts.

We must observe that all the Cannon (saving the 72 from great Britain) are very old and in all probability but few would stand any considerable Action. It is not long since One at Illusions Fort Burst, tho Charged with powder only to answer a Signal made at Sea, and several Persons were wounded (tough none killed by that Accident.

A further Inconveniency Attending is that they are of so many different makes by French and Dutch as well as English that its Difficult to mount one Bastion or Platform of ten Guns of the same Height or Nature which to have otherwise is very Disadvantagious as well as Dangerous in time of Action.

The whole Number which are Deemed fit for Service amount to one hundred and twenty six, and of those have been Detached 18 to Fort Royall which with Six Ship Guns bought last Summer Mounts the Forts at that Place with 24 Pieces and to Weingaw were sent five which with two they had before makes there Battery consist of Seven Guns, and now remaining in the Port at Charles Town one hundred & three.

We are next to lay before Your Honour what Number

of

of Ordnance the works Erected and Carrying on under our Inspection may require, which are as follows Viz.t

Johnsons Fort and Battery now Enlarged will mount besides the Ravelin to be compleat	46
Broughton Battery lately Erected	36
Granville Bastion the Old Lines 12 Craven it is	23
The Flat Bastions & half Moon on the Curtain	24
The length of the Curtain being 270 Feet would well accomodate more than a hundred but at a moderate Computation Admitting only ten Guns on each Platform between the flat Bastion and half moon is	30
	178

In all one hundred & Seventy Eight So that there will be wanting on this Computation Seventy five pieces of Cannon

We beg leave to observe further that as the North-most Channel leading up to Charles Town through Hog Island Creek will admitt the Passage of any Ships which can come over the Barr, and altho it may be Impracticable to fortifie so Effectually as to Stop or prevent the Enemies Entrance below by reason of the great Destance of the Shoars and the present Seituation of

Affairs

Affairs, Nevertheless we presume it may be thought proper to place a Battery of 10 or 12 Good Guns on Hog Island or some other convenient Place to Command that Channel which at present Lyes out of the Fire of all Cannon untill those in Craven Bastion and the Northermost part of the Line before Charles town can reach it.

We may also presume further Detachments of Guns and Stores as soon as they can be spared will be made in favour of Port Royal and Ninety to make up the Number of 30 at the former and 20 at the latter place, which may then make 20 or 30 Guns more to be wanted.

We have in the Schedule annexed, Noted the particular Number and Sizes of the Ordnance which we Judge may be proper to Mount the works before mentioned, It is to be further Noted that Iron work for making the Carriages Shot and other Stores Appertaining to the Ordnance as usual, will also be wanted.

Altho' it may not be Expected from us to observe further as Our Opinion, that 30 or 50 [illegible] and Shells as also a Bomb Mortar with Shells and Iron Work for the Carriage or Bed and a further number of Small Arms for the New Settlers may be wanted in Case of a Warr with France or Spain.

If

Yet being sensible that Your Honour has a variety of Business to manage and possibly for want of time may not fully Digest every Particular hope we may be Excused in adding this hint And that the forgoing is Explicite on the several matters given us in Charge all which is humbly submitted by

Your Honours
most obedient Servants

John Fenwicke — Tho Lloyd
Miles Brewton — Othniel Beale
Saml Prioleau

Dated Charles Town
December 23: 1737

The Schedule referred to in the foregoing Report.

	Weight of Shot			
To Mount Compliat	18	12	9	5½
Johnsons Sort				
Low Battery	22			
upper line on y^e River		10		
Bastions			13	
Broughton Battery	10	21		
Granville Bastion		12		
Craven Bastion		11		

3 Flat Bastions on the Curtain 15

Half Moon on D° 9

5 Platforms on Curtain 16 each 30

32 49 75 22 178 In all

Mentioned in the Report to be in Charles Town 103 Viz[t] 20 31 25 22 103

Wanting to Mount the Embrasures in Charles Town Fort 12 13 30 In all 70 Pieces of Ordnance

32 49 75 22 178 Town Hall

for making the Carriages Platforms Small Stores proper for the Guns.

N. B. We take no notice here of the Defficiency of Fort Royal and Wingaw nor of Hog Island Battery being fully expressed in the Report

John Fenwicke — Samuel Prioleau

Miles Brewton — Thomas Lloyd

Archibald Neale

Charles Town

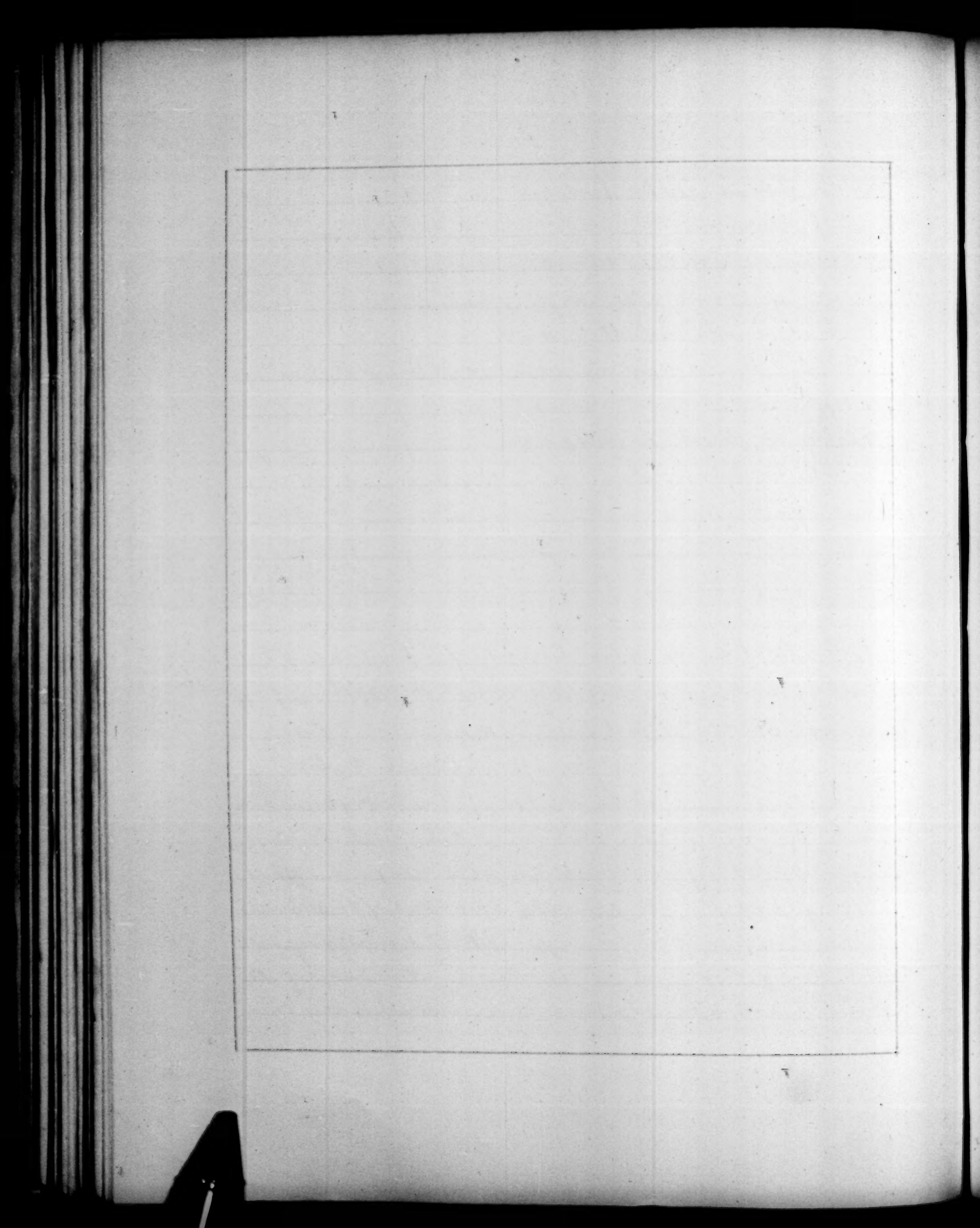
December 29th 1737

A true Copy In the absence of the Clerk of the Council

Alex[r] Cranmahe

Read June 9th 1738

Read D° 9



B P R O South Carolina B T Vol 9 Fo 93

(25th May 1738)

At the Court at Kensington

the 25th day of May 1738

Present

The Kings most Excellent Majesty in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 15th of this Instant in the words following viz.t

'Your Majesty having been pleased by your Order in 'Council of the 20th of February last to refer unto this 'Committee a Representation from the Lords Commissioners 'for Trade and Plantations, setting forth that Colonel 'Thomas Broughton Your Majestys Lieutenant Governor of 'South Carolina and Arthur Middleton Esq.r lately 'Members of Your Majestys Council there, are Dead 'and that James Crokat and Edmund Atkins Esq.rs 'have been recommended to them as Persons every way Quali- 'fied to serve Your Majesty in that Station — And 'therefore Proposing that the said James Crokat and 'Edmund Atkins may be appointed Members of Your 'Majestys Council in South Carolina, in the Room of the 'said Colonel Broughton and Arthur Middleton Esq.r The

Lords

'Lords of the Committee in Obedience to Your Majestys said
'Order of Reference this day took the said Representation
'into their Consideration, And do thereupon agree humbly to
'Report to Your Majesty, that they have no Objection to
'Your Majestys appointing the said James Crockat and
'Edmund Atkins to be Your Majestys said Council in
'the Province of South Carolina in the Room of the said
'Colonel Thomas Broughton and Arthur Middleton Esq^rs
'deceased'.

His Majesty this day took the said Report into Consider-
ation and was pleased with the advice of His Privy
Council to Approve thereof and to Order as it is hereby
Ordered that the said James Crockat and Edmund
Atkins be constituted and appointed Members of His
Majestys said Council in South Carolina in the Room
of the said Colonel Thomas Broughton and Arthur
Middleton Esq^r deceased And His Grace the Duke of
Newcastle one of His Majestys Principal Secretarys of
State is to cause the usual Warrant to be prepared
for His Majestys Royal Signature accordingly

A true Copy
Ja: Vernon

Rec^d June y^e 23^d
Read July 21 } 1738

B P R O South Carolina B T Vol 9 f 92.

(25th May 1738)

At the Court at Kensington
the 25th of May 1738
Present

The Kings most Excellent Majesty in Council

Whereas the Trustees for the Colony of Georgia have by their humble Petition and Representation to His Majesty at this Board Set forth (amongst other things) That the Lieutenant Governor Council and Assembly of South Carolina have opposed the Execution of an Act prepared by the said Trustees and approved by His Majesty in Council on the 3d of April 1735 For maintaining the Peace with the Indians in the Province of Georgia, And that the said Lieutenant Governor Council and Assembly have past an Ordenance in an illegall manner for raising two thousand pounds Sterling to indemnify the Traders from Carolina in their Contempt of the aforementioned Act And therefore prayed that the said Ordinance might be Dissallowed And Whereas the Right Honourable the Lords of the Committee of Council to whom His Majesty referred the said Petition and Representation have this Day Reported to his Majesty at this Board that they have taken the

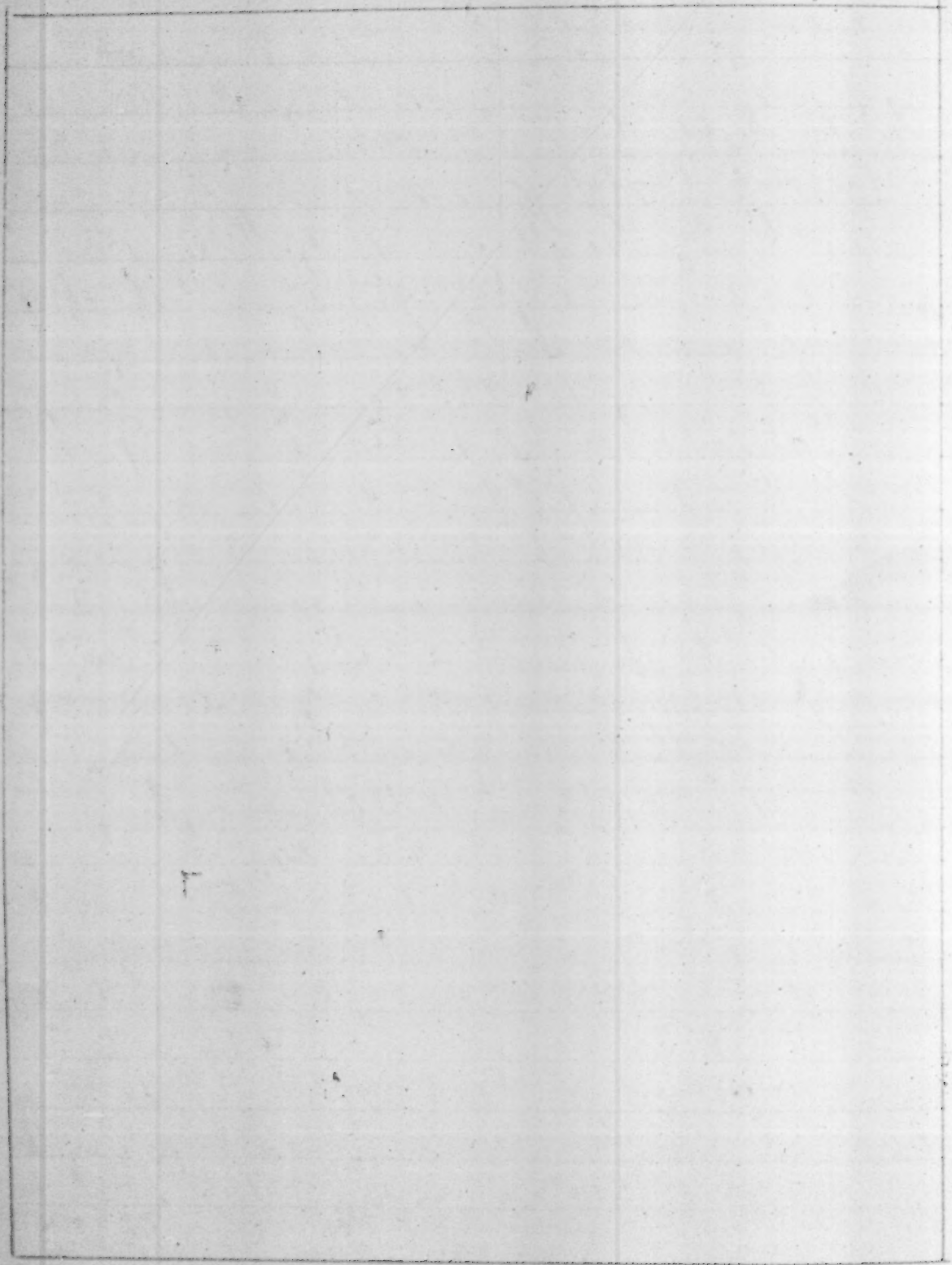
the same into their Consideration together with the said Ordinance which was past in South Carolina the 21st of June 1736 Entituled 'An Ordinance for Asserting and maintaining the Rights and Liberty's of His Majesty's Subjects of this Province of South Carolina to a Free Open and uninterrupted Trade with the Creek Cherokee and other Indians in Amity and Friendship with his Majesty's Subjects and for the better preserving those Indians in the Interest of Great Britain' And that it appeared to them that the said Ordinance was past in a very irregular and precipitate manner the Governor having issued his Proclamation on the 11th of June 1736 for Convening the Assembly on the 30th of the said Month notwithstanding the said Assembly was under an Adjournment from the 29th of May preceding to the first Tuesday in September following - And that it likewise appeared that the said Ordinance was past by the said Assembly and also by the Council and assented to by the Lieutenant Governor in so Short a Space of time as between the 24th and 21st Days of the said Month of June And that the said Lieutenant Governor in giving his Assent to the said Ordinance hath Acted contrary to His Majesty's Instructions And the said Committee being of Opinion that it is of the utmost

consequence

Consequence to His Majesty's Service and absolutely necessary for the well Governing the Several Plantations and Colonys in America that such Extraordinary and unjustifiable proceedings should be Discountenanced Did therefore humbly Advise that the aforementioned Ordinance should be Disallowed of by His Majesty His Majesty taking the said Report into His consideration is pleased with the advice of his Privy Council to approve thereof and accordingly to Declare his Disallowance of the aforesaid Ordinance And pursuant to His Majestys Royal Pleasure thereupon Signed the said Ordinance is hereby Repealed Declared Void and of none Effect Whereof the Governor Lieutenant Governor or Commander in Chief of His Majestys said Province of South Carolina for the time being and all others whom it may Concern are to take Notice and Govern themselves accordingly

A true Copy
Ja: Vernon

Recd June 23d
Read July 21 } 1735



B. P. R. O South Carolina B T Vol 9 f 95.

(25th May 1735)

To the Right Honble the Lords Commissioners for Trade and Plantations

The humble Representation of William Bull Esqr President and Commander in Chief of the Province of South Carolina.

May it please your Lordships

It has been a very great misfortune to this Province, that your Lordships have not received an Earlier Answer to your Lordships Letter to the late Lieutenant Governour, dated, so long ago, as the 23d October 1728. inclosing a Copy of a Memorial presented to His Grace the Duke of Newcastle, by Monsieur Geraldino, Agent for the King of Spain.

The long indisposition that afflicted the late Lieutenant Governour, and which at last brought him to his Grave, has been the Occasion of the delay, and rendered it unavoidable.

Since the administration of the Government of this Province has fallen into my hands, and as soon as I could collect the Public Papers, which were in possession of the late Lieutenant Governour, I have Applyed my self with all possible diligence to obtain the best informations, that

that I could be furnished with in this Province, relating to the Subject of your Lordships Letter, and the Memorial presented by Monsieur Geraldino.

In making an Inquiry of great importance to his Majesty's Interest in the Province of South Carolina, I have been carefull to establish the facts, which I shall beg leave to represent to your Lordships by the best proofs the Nature of the thing will admit, that there may appear before your Lordships a certain and Solid foundation for the Remarks, which, in Obedience to your Lordships Commands I shall have the honour to lay before you.

Before I proceed to give a particular answer to your Lordships Inquiry's, I humbly hope your Lordships will not esteem it a departure from the Subject, if I look back to the English Acquisitions on the Continent of North America, or rather the Powers granted by the Crown of England, to English Subjects, to acquire and settle Colonys in America.

I have been informed, that King Charles the first, Granted to the Earl of Arundle, the Country that is now called Louisiana, and that this Grant some time before the Year 1629 was assigned to Dr Daniel Cox, who attempted to make a Settlement in that Year, but

was

was interrupted by the French.

It is also reported that a Grant passed in the same Reign to Sir Robert Heath then Attorney General for a large Tract of Land lying in the Gulf of Mexico and it is well known to your Lordships, that the Charter Granted to the late Lords Proprietors of Carolina (now Surrendered to his Majesty) comprehends all the Lands from the Latitude of thirty six Degrees and thirty minutes to twentynine Degrees northern Latitude and So & West in a direct Line to the South Seas, and that within these limits, are included not only the Spanish Fort of St Augustine, but most of the Rivers and Ports in the Bay of Apalachee and Gulf of Mexico.

Whether there were such Grants from the Crown to the Earl of Arundel or Sr Robert Heath, your Lordships have the Opportunity certainly to know.

That the Province of Carolina has been Settled under the Charter of King Charles the Second is a matter past dispute, but how far the boundarys of that Province may be extended by virtue of the Charter is a case of too nice consideration for me to presume to enter into. I hope your Lordships will be satisfied if I state the Facts Agreable to truth, and as they appear to me, tho' I humbly hope I may be indulged in a wish that the

the boundarys might be extended to the utmost limits expressed in the Charter, because, I hope to make it appear to your Lordships, that it will be of the greatest importance to his Majesty's Service, and that the Security and the very being of the English Settlements in that Province in a great measure depends upon preserving to his Majesty all the Lands comprised within the limits of the Charter.

I must nevertheless acknowledge to your Lordships, that I have not been informed 'That any Settlements 'have ever been made by the English to the South- 'ward of the Alatamaha River, except the attempt 'made by the Assignees of the Earl of Arundel 'in the Year 1699 which proved unsuccesful.

1699 is correct.

Since the Year 1715 which was the Year fatal to this Country on Account of an Indian War, all the Lands between Port Royal, and the Fort St. Augustine have been wholly deserted by the Indians, but before that time the possessors of those Lands were an Indian People called the Yamasees formerly Friends to the Spaniards, but during all Queen Anne's War, in hostility against them, and in Alliance with, and depending upon the English in South Carolina.

In the Year 1715 the Yamasees broke out War with

with the English, and were in about two years after by the English vanquish'd, and drove off from their Lands, the few who remained and had escaped in the heat of the War retired and Sheltered themselves under the Spaniards at St Augustine, from which place they have been since encouraged to make depredations on the English, and have been received with their Plunder at the Spanish Fort of St Augustine.

The River Alatamaha receives its name from a Tribe of Yamasee Indians (whose Chief was known by the name or Title of Alatamaha) who were formerly Settled there when they were Friends with the Spaniards but after the Indians had deserted the Spaniards and had lived many years with the English, upon the breaking out of the War, they betook themselves to their old Settlements on this River, from whence they were soon beaten by the English, so that the Lands from Port Royal to Alatamaha River remained uninhabited from the time of the Indian War until the Year 1721, when by his Majesty's Command a Fort was erected and Garrisoned upon that River. This Fort was afterwards about the year 1726 Accidentally destroyed by Fire but, as I humbly apprehend not demolished by any orders from the Court of Great Britain

Britain, as Monsieur Geraldino is pleased to Suggest.

Upon the Strictest and best Inquirys I have been able to make I cannot learn that the Spaniards had ever any Settlement to the Northward of the River of St Juan, At that place they have for several Years at some particular times maintained a Look out with Two or Three Men.

It is true that before Queen Annes War they had a Church and a small Settlement upon an Island called Stª Maria, about Six or Seven Leagues to the Northward of St Juans, but this Settlement during that War was intirely conquerd and destroyed by the English of Carolina and has never been regained.

Stª Augustine, and the small look out at the Mouth of the River of St Juan are all the Possessions which the Spaniards now have on the Sea Coast to the Northward or Eastward of Cape Florida.

They have a Settlement at Pansacola in the Bay of Apalachee, and in the Year 1719 they built a small Fort which they then called St Joseph, since St Mark at the Mouth of Chatahuchee or Apalachuola River which empties itself into the same Bay

At this Fortress the Spaniards have met with frequent

frequent interruptions from the Indians who possess the head of the River. But of the present condition of their Settlements there we are not well informed, except from the late advices we have recived of their designs to strengthen and reinforce them.

The Spaniards had formerly another Settlement on the River of Apalachee, which also discharges it self in the Bay of that name. They had a Church and a Fortress called St. Louis and the Apalachee Indians, were wholly under the Spanish Subjection and frequently invaded the Indians who were friends to the English and Infested the Settlements at Carolina tho' they were seated at a Great distance from that Place.

In the Year 1703 A War then Subsisting betwen the Crown of Great Britain and Spain, Colonel James Moore formerly Governor of South Carolina, but then authorized by a Commission from St. Nathaniel Johnson who succeeded him in the Government, with an Army of Volunteers consisting of White Men and Indians formed an Expedition against the Spaniards and Indians Settled at Apalachee. He had the Success wholly to destroy the Spanish Settlement, and either subdued or reduced all the Indians of that Country who were under the Spaniards to the Obedience and Subjection of

of the Crown of Great Britain, and to render the Conquest made by the English more Effectual and Compleat he destroyed the whole Country and brought away all the Indians who were the Inhabitants of it, and Settled them under the English Government on the River Savanna, the present Boundary between Carolina and Georgia.

In this Expedition Don Juan Maia the Spanish Governour of Apalachee, and several of his Officers and Private Men were made Prisoners and were obliged to redeem their Liberty at very Considerable ransoms so that the whole Country came to the possession of the English by an absolute and intire Conquest.

Since the Year 1703 the Country of Apalachee has been destitute of Inhabitants and no attempt (that we know off) has been since made either by Europeans or Indians to settle in those parts, except when the Spaniards in the Year 1719 seated themselves at St Joseph or St Mark near the entrance of Apalachee River, which Settlement, by the late advices we have received they design to reinforce, and extend even to the Apalachee old Fields conquered by the English in 1703. The Settlement at Pansacola is at some distance from the Country of the Apalachees and lies near the French

Settlements

Settlements at Mobille and on the Missicippi.

Having endeavoured to give your Lordships an Account of the Spanish Settlements on this part of the Continent it will not be improper to take notice of that part of Monsieur Genillini's Complaint which represents "That the Governour of St Augustine had "received advices from his Lieutenant who commanded the "Fort of St Mark in the Province of Apalache, That "the Yuches and Talapoosa Indians (Subjects of the King "of Spain) had Complained that the English were then "at work in erecting a Fort in the King of Spain's "Territorys inhabited by the said Yuches Indians and "that they even gave out they intended to build another "Fort among the Tallapooses to the Northwest of St "Augustine, and that another Party of English consisting "of three hundred Men had appeared on the Frontiers "of the said Province, and that after having displayed "the Standard of War in a Convention of the Indians "called the Palachocolas they Summoned the Chiefs of "the said Province called the Cowetas to join with "them in a War against the Spaniards giving them "to understand at the same time, that they were "determined to raze the Fort of St Mark."

As an answer to this complaint I must beg leave

leave to observe to your Lordships. That the Indians which the Spaniards call Uchees, Talapooses and Cowetas are several Tribes of Indians most of them seated on a Branch of the Chatahuchee River, and by the English called in General the Lower Creeks. The Palachucola's are another Tribe of the Lower Creeks separated at some distance and settled near St Augustine on the Fork of the same River; with these Indians the English of South Carolina have traded for these fifty or sixty years, excepting only the Interruption of about two years during the Indian War but these Indians suffer themselves to be visited as well by the French and Spaniards as the English, tho' they acknowledge no Subjection or obedience to either giving the preference nevertheless to the English on Account of the Advantage and Convenience they receive from our Trade.

As this is the truth of the fact your Lordships will easily determine if Monsieur Geraldino has a just reason to insist that these Indians are the Subjects of the King of Spain, or if the Lands they inhabit, and of which they have been the Original Possessors can be said to be the Territorys of his Catholick Majesty.

Whatever

Whatever the Inhabitants of Florida may pretend to the Contrary they know to their cost, that they never yet Conquered the Antient Inhabitants of that County or reduced them to any sort of Obedience

The Indians however Savage they may appear are not so destitute of Natural Sence or the knowledge of their own Interests, as not to be sensible of the importance they are to the Europeans with whom they take part and they have the Sagacity, or at least cunning to make their advantage of all those who they know will court their Friendship. They have address enough to gain presents from English, French and Spaniards notwithstanding the superior Policy and refinements of those Nations.

Tis more than a Conjecture that some Artifice of the Indians gave birth to the Complaint made by the Lieutenant of Fort St Mark for it is not an unusual thing for the Indians to terrify the Spaniards, and by giving them Apprehensions of danger to force presents from them. This is the more probable because it is impossible to be made appear that Three Hundred English or any other Body of that Nation has at any time whilst there was

Peace

Peace between the Two Crowns appeared on the Frontiers of Florida or the Country of the Apalachees, No such thing ever happen'd;

It is at the same time true that the English settled in Carolina and Georgia had it under their Consideration to settle a small Fort Garrisoned with about Twenty Men amongst the Lower Creeks to secure their Trade, and to keep those People in their Interest, but I humbly hope your Lordships will be of Opinion, that as this was requisite, and proposed to be done by the consent and on the Lands of a free People, who Acknowledge no obedience to the Crown of Spain, it could give no just cause of Complaint to the Court of Spain, nor can support the Memorial of the Agent of the King of Spain.

With great Submission to Your Lordships, I humbly apprehend there is much more reason to object against the Claim which is insisted on in the Memorial of Monsieur Geraldino.

By the Facts laid before Your Lordships it Appears, that the Subjects of Great Britain in the Year 1703 Gained the whole Country of Apalachee by Conquest, and it is humbly Apprehended that by the Treaty

Treaty of Utrecht the Conquests made during the last War were confirmed, and that from thence his Majesty's Right to that Country became indisputable. If this shall appear to your Lordships to be a just representation of the case. We have on our part reason to complain of the Spaniards for possessing and Fortifying themselves in Two Places in the Bay of Apalachee, both of which are within the limits of the Carolina Charter, and one of them Gained by Conquest in an Open and just War.

It is to be hoped their Pretensions will not appear less unreasonable, when according to Monsieur Geraldino's Memorial they complain "That the Inhabitants of Georgia have built a Fort upon Territorys of the Dominion of Florida Twenty five Leagues northern distance from Saint Augustine at the Mouth of St Simons River.

The Fort which is mentioned in the Memorial is the same Fort which bears the Name of Frederica, and which General Oglethorpe by his Majestys command caused to be erected on the Island of St Simon, at the Mouth of the River Alatamaha, which in the Memorial is called St Simons River.

I have had the Honour to represent to your Lordships

Lordships that the River Alatamaha never did belong to the Spaniards, but was Originally possessed by a Tribe of Yamasee Indians the Chief of whom was distinguished by the Name that River Still bears, and which continues as a Strong and Lasting Evidence of the truth of what is Alledged.

When the Yamasees made War with the English the were Conquer'd and driven away and never have been since able to regain their Antient Possessions, nor was it more than Five Years after the Conquest and desertion of the Indians that by His Majestys Command a Fort was built on Alatamaha River to secure the Possessions which Subjects had so lately gained.

From so Signal an instance of His Majestys Paternal Care, the Inhabitants of Carolina have the Greatest encouragement to hope that His Majesty will be Graciously pleased to continue his Protection, and to Support the Possessions which have been Acquired at the expence of so much Blood, and of so many of the lives of his faithfull and Loyal Subjects

The foregoing Observations which I have taken the Liberty to Submit to Your Lordships consideration have been confined to your Lordships Inquirys concerning the

the Boundarys of Carolina and the Subject of the Memorial presented by Monsieur Geraldins.

At the time this Memorial was presented the Court of Spain seemed content to have matters settled between the two Crowns in the way of Treaty and Accomodation, but by what has since happened and the repeated advices we have received from several parts, the Inhabitants of Carolina as well as Georgia have just reason to be under the most uneasy Apprehensions; I must therefore humbly entreat Your Lordships patience and attention, whilst I endeavour to represent to Your Lordships the dangers we have just reason to Apprehend, his Majesty's Dominions in these parts will be exposed to, from the extensive designs which 'tis very Evident, both the French and Spaniards have in View, and were very lately, if not yet actually in Agitation.

I humbly Apprehend that it will appear to Your Lordships, that it is past doubt that the French and Spaniards have by an union and communication of Counsels formed such a plan, that in case of a Rupture they may with Ease and without Interruption invade any part of the British Dominions in North America: It has been long observed that the French of

of Canada have been attempting to Cultivate a Correspondence with the five Nations, to Alienate them from the Interest of the English, and have been more than Ordinary industrious to prompt them to make War with the Indians, that lye to the Westward and Southward of Carolina, and are barrier between Carolina and the Settlements both of the French and Spaniards.

When Mobille at the Mouth of the River Missicippi was settled in the time of Lewis the Fourteenth the Principal design (joined with some other views the House of Bourbon might have at that time) was to settle a Communication by the River Missicippi through the back part of the Continent to Canada and to make the Goverament of the Province of Louisiana dependant on that of New France, to the End that by such a communication they might unite their forces for the carrying on any future Enterprize.

Agreable to this plan they have since erected Fortresses at convenient Distances on the Lakes of Canada and Illonois, and all along the River of Missicippi down to Mobille, but as the Indians which lye to the Westward and Southward of Carolina, and are in Friendship with that Province, gave them frequent Interruptions, it

it has been their Policy to destroy them. And they have bent the chief Endeavours that way. The Chickesaws have been intended for the first Sacrifice, as they are a Warlike People, and lye most convenient to annoy the French in their Passage on the Missesippi for which purpose the French have very lately sent a formidable force from Old France, and have Ordered a Thousand White Men from Canada to join them in an Expedition against those People.

It is here Submitted to Your Lordships Judgment if it is reasonable to think that it was necessary to prepare so Great Force or for the French to put themselves to so much charge and expence barely to Subdue A People who do not consist of above four or five Hundred Fighting Men.

The Inhabitants of Carolina and Georgia have too much reason to fear that their views are of far greater extent, and I must beg leave to observe to Your Lordships, that if we were Satisfied that the Enterprize so lately undertaken was wholly confined to the Destruction of the Chickesaws, it would still, have an Influence that will certainly prove of the worst Consequence to all the Settlements near the Frontiers of North America.

It

It will infallibly strike such a Terror amongst all other Indians who are in Alliance with the English that it will render their friendships very precarious, if not wholly secure them to the French. And if our Indians are either Conquer'd or destroyed by the French or gained by Art or Terror to their Interest the dangers to which the English Settlements will be exposed, are too Obvious to stand in need of any remark or Explanation.

Your Lordships will be pleased to consider further whether the designs of the Spaniards with the Expected Assistance of 1500 Men from the French in their late projected Expedition, and which was on the Point of being carried into Execution, could be designed against Georgia Only, as the Spaniards have thought fit to give out.

Undertakings thus begun, conducted and carried on, and the truth of which are confirmed by so many concurring Circumstances, and from Accounts delivered by so many various and distant hands, cannot fail of Alarming all the Settlements on the frontiers nor can the Consequences which must be infallibly derived from them escape Your Lordships Penetration and Superior Discernment.

When Your Lordships shall observe from the Accounts now laid before you, that an Army of Seven Thousand

Men

Men (most of them Disciplined Troops) were ready to embark from Havanna, But there was no Expectation of their being joined by Fifteen Hundred French from Canada, and their Settlements on the Mississippi besides Indians, your Lordships can make no doubt but an entire Conquest of this Country as well as Georgia must have been in View.

The Provinces of Carolina and Georgia if their whole force was united are not able to raise above Three or Four Thousand fighting Men. These Men lie dispersed through a Country thinly inhabited, and which stretches along the Sea Coast above Two hundred Miles, from whence Your Lordships may easily judge how difficult it must be to get them Assembled, and how easy it is for them to evade or elude the best regulations that can be provided by Militia Laws.

The Property of the People chiefly consists of Slaves, for Lands without them are of little Value, and how easy it is in time of danger for great Numbers to retire with their Slaves into the most Northern Collonys, where they'll find themselves Secure.

But if we should have timely Notice of the Enemy and there was a probability that the Strength we have could be got together, and if we could be

assured

essured that the People would be Compelled & pre-
vailed upon to make a Stand upon the Frontiers, e
they are Still undisciplined and ignorant of every Mili-
tary Art, except the bare use of fire Arms, Let them
be admitted to be as brave as any People whatsoever, how
unequall a Task will they have with regular Troops,
even if their Numbers were equal, and how much less
capable will they be to defend themselves, when there
is too great a probability that the Force against them
will be vastly Superior.

Before the Inhabitants of the two frontier e
Provinces were sufficiently acquainted with the formidable
force which was in readiness to come against them, they
conceived Great hopes from the Assistance of General
Oglethorpe's Regiment, which has been long expected, But
Your Lordships well know that a single Regiment of
the bravest and best disciplined Troops may be overpowerd
by Numbers, and may be obliged to Submit notwith-
standing they may exert the greatest Military Virtue.

I have endeavoured to give Your Lordships a true
and faithfull prospect of the Situation and Condition
of the two Provinces on the Frontiers, as well as of the
Superiour Power, Strength, and Advantages of the French
and Spaniards, and I am afraid have too fully and truly

shewn

shown that the several Circumstances being considered
in all human probability these Countrys must be lost
to the Crown of Great Britain, unless such an Aid
is afforded them, as, may at least make them equal
in Strength and Force with the French and Spaniards.

When the Condition of these Provinces come to be
Examined it is hoped, that it will be considered, that
however incapable they may be of defending themselves against
a foreign force, Yet the Province of South Carolina
alone, sent to Great Britain Annually near the Value
of One Hundred and fifty Thousand Pounds Sterling in
the Produce of that Province, in return for the Value
Commoditys of Great Britain, and to that Province alone
are employd above Two Hundred Sail of Vessells owned
by the Subjects of Great Britain.

And I humbly Conceive it will not be improper
in this Place to observe to Your Lordships, that the
Cultivating Plantations and raising Commoditys which are
so useful and so Advantageous to the Trade of Great
Britain, and to which the Inhabitants of the Colonies
wholly apply themselves is partly the cause of their in-
ability to defend themselves against a foreign force, for
whilst they wholly attend to Agriculture, Commerce, and
the improvement of the Product of the Plantations it

is

is hardly possible for them to be instructed in Military discipline, which is inconsistent with a Domestic or Country life. On the other hand the Settlements which the French and Spaniards have in North America are chiefly upon Military Establishments and are maintained at the Charge of the Respective Crowns, Trade Commerce and Agriculture is wholly neglected or at least on very little use amongst them.

To the representations I have had the honour to lay before Your Lordships, I have added not only the Depositions of Persons who have been examined upon Oath but I have endeavoured to collect the best Accounts I could procure of every thing that might contribute to Your Lordships information, and to give Your Lordships a more perfect view, I have taken the Liberty to present a Geographical Description of the Countrys on the Continent of North America, which are within the Charter granted to the late Lords Proprietors of Carolina upon which before I conclude I humbly beg leave to make some observations.

I have before taken Notice that the Spaniards have two Settlements in the Bay of Apalachee, the one at Pansicola, the other at a place formerly called St Joseph now St Mark. The latter is at the Entrance

of

of Chalahachee River. This River according to my information is not exceeded by any on the Continent of North America, for the convenience of its Situation, the Depth of Water, and the Security of the Harbour. It has its Source amongst the Apalachee Mountains and for several hundred Miles runs through one of the finest and most fertile Countrys in America. I could very largely insist on the very great importance it would be to all His Majestys Dominions in America if this River was secured to the Crown of Great Britain, and on the Contrary how very insecure the Frontier Settlements in those parts will be rendered in case Chalahachee River should fall into the hands of the French or Spaniards, but I am not willing to trouble Your Lordship with needless repetitions, because your Lordships will meet with a very ample description of this River amongst the Accounts that I now have the honour to lay before you, but this I must beg leave to observe that from this River theres an Inlet to all the Indian Nations, and that by the superior Power of the French and Spaniards the Indians may be induced or even Compell'd to invade the two frontier Provinces, which by easy marches from the upper parts of that River may be with very little difficulty accomplished, and in case of

a

a War it will be beyond the power of the united force of Carolina and Georgia, without further Succours to prevent or oppose their powerfull Invaders.

My Lords, the several matters which I have taken the Liberty to represent to Your Lordships, I hope will appear to be of the greatest importance to the Security of His Majestys Dominions, and that as the Administration of the Government of this Province has devolved upon me, I could not discharge the trust reposed in me without making Your Lordships Acquainted with the imminent Dangers to which, I apprehend His Majestys Subjects are exposed, I could wish for Superior Abilitys to set matters in more Advantageous Light, but there's no difficulty in Speaking truth, and Truth I am certain, will have its due weight with Your Lordships.

To propose a remedy would involve me in the Guilt of the Great Presumption, I can only venture to assure Your Lordships that the Inhabitants of South Carolina have the greatest confidence in His Majesty's Justice and Goodness, and are fully satisfied that when their Circumstances shall be represented by Your Lordships and made known to His Majesty, they shall receive the most Gracious and Speedy Protection, and that by His powerfull Aid he will effectually defeat and disappoint the

the designs of their Enemys, And my Duty to His Majesty, and the sincere regard I have for the Security of his Dominions, and the Interest and Safety of his Subjects, after I have given due Obedience to Your Lordships Commands, oblige me to intreat Your Lordships on the behalf of the People of this Province, that the matters, which I have had the honour to lay before you, may have Your Lordships early Consideration, according to their Weight, and importance, and to the intent that a Seasonable Relief may be Granted in such manner as His Majesty, in his great Wisdom and Goodness shall be Graciously pleased to order and direct

All which is humbly submitted to Your Lordships

Wm Bull

Charles Town South Carolina
the 28th of May 1738.

(Enclosures)

(Enclosures)

South Carolina.

By the hon^ble Joseph Wragg Esq^r One of his Majestys hon^ble Council for the Province of South Carolina.

By Virtue of a Dedimus Potestatem from the hon^ble William Bull Esq^r President and Commander in Chief in and over his Majestys said Province to him Granted to take Depositions &c^a In the Absence of him the said President

To all to whom these Presents shall come Greeting. Know ye that the Several Examinations, Depositions, and Letters &c^a hereunto annexed are true and Exact Copys of the Originalls Lodged in the Hands of Isaac Bedenhop Esq^r Clerk of his Majestys said Council being Examined and Compared therewith, and that the Several Deponents (viz^t) John Gray, William Gray, John Parson, John Bee, Joseph Parmenter, John Bellantine, Joseph Pew, James Howell, Mathew Beard, John Calcock, and Joseph Berry are Persons of Good fame and Reputation and worthy of Faith and Credit, as well as the other persons whose Letters Journals and observations are also hereunto Annexed. And Further Know ye that the said Isaac Bedenhop Esq^r whoe Attests the

said

said Papers is at this Present time Clerk of his Majestys s[d] hon[ble] Council Therefore all due Faith and Credit is and ought to be had and Given to the Truth thereof.

In Testimony Whereof I have hereunto set my Hand, and caused the Great Seal of his Majesty said Province to be hereunto Affixed At Charles Town the Twenty Seventh day of May In the Eleventh year of his Majesty Reign Annoq Domini 1738

By His Hon[r] Command — Jos Wragg

James Mubie Dep[y] Secry

Copy of Several Examinations Depositions and Letters &c in Support of the Representation to the Lords for Trade and Plantations.

Colonel Barnwells Journal and Observations of the Expedition against the Apalachies and an Account of Louisiana from October 25[th] 1703 to 6 Febry 1703/4.

Memorandum. King Charles the first did present to this Country and gave a Grant of it to the Earl of Arundell which Grant some Years ago was assigned to Dr Daniel Cox, who gave it the name of Carolana, and in the Year 1699 he sent

sent One Captain Bond with 200 People in two Ships thither to make a Settlement intending to prosecute that Enterprize with despatching more Ships, with more People over whom Sir William Waller was to have been Governour, but the French disturbing the first Adventurers, hindered their setling there, and this part of the English Territorys in America is neglected, and French Encroaches daily on Carolina.

The Deposition of John Gray and William Gray.
January 11th 1727

May it Please Your Honour

In Obedience to Your Honours commands We inform you, that on the 23d July last we were taken Prisoners at our Trading House at the Forks by Thirty four Indians whereof there were five Creek Indians, the head of which was Yamasee Ouchee, the others were all Yamasee Indians the next day being the 24th July, they killed Mathew Smallwood, as he was comeing up to our Trading House, in our Periagua and after Plundering and taking all our Goods both in Our Store and Periagua they marched away taking us with them for St Augustine, where we Arrived on the 7th August following, and after being Carried before the Governour and asked several Questions, not worth Your Honours

Honours notice, we were Ordered to Prison where we were kept close confined and very poorly supplied with Necessarys of Life till the 7th Instant when we were put on Board a New York Sloop Commanded by Capt Stanford and Arrived here the 12th Instant. We Judge there is in the Government of St Augustine 11 able Spanish Indians and about 250 Spaniards there was at Our Trading House about 11 Indians who were Creeks, who finding us to be taken Sett Our House on Fire, and took what little Plunder was left there

Charles Town January 11th 1727/8 — John Gray

Before the Hon^ble Arthur Middleton Esq^r — William Gray

Presid^t &^c^a Jan^y 16th 1727

Sworn to Test W^m Dudley Cl

The Seperate Examination of John Pearson Marriner, taken before the Honourable Richard Allen Esq^r Chief Justice of the Province of South Carolina, and Benjamin Whitaker Esq^r one of His Majesties Justices assigned to keep the Peace for Berkley County on the 20th Day of October 1727

The Examinant saith that about a Month ago, he arrived at St Augustine in a Spanish Privateer Sloop called the St Antonio Commanded by one Signior Antonio, that whilst he

he was there the Governor of that Place embarked for the Havanna for the Recovery of his Health, and that whilst he was there Two Canoes, one with Indians, and the other with Negroes returned from Hilton head in this Province, from whence they had taken Prisoners Three Men two Women and three Children, one Negro Man, and a Mullata Boy. The Examinant further saith, that there was about Ten Negroes and fourteen Indians Commanded by those of their own Colour, without any Spaniards in Company with them. He further saith that he saw in the Town of St Augustine several English Prisoners (to wit) Two Young Men named Grey, And an old Man that was taken with them, and Two Women, and that they had all Liberty to walk about the Town, but had no allowance from the Government. The Examinant saith that the Negroes who were in the Canoe were deserters from this Province, and that they had made a Saw Mill of about One Hundred and fifty Barrells. He further says that the Town of St Augustine is Surrounded with a large prickly plant, and ditched about three foot deep, and that in some few places there are small Bettorys. the Guns about three Pounders, that there are between three and four hundred Houses, and that they Muster about that Number of Men, but that he was informed

they

they had lately had a great Sickness amongst which had destroyd abundance of People, he says the Castle is in good repair, and that they had lately received about a Eighty new Recruits from Old Spain

Taken before us the day and year above[s] John Barnwell

Benj[a] Whitaker Rich[d] Allein

The Depositions of John Bee 21[st] day of April 1721

South Carolina

In the Council Chamber Friday 21[st] April 1721.

John Bee of Charles Town Merchant maketh Oath that the Deponent was one of the Company who went on an Expedition in the Year of Our Lord One Thousand Seven Hundred and Ten, under the Command of Colonel James Moore the Elder against the Spaniards who inhabited the Coast of Florida at and near the Town and Castle of St Augustine, and the Deponant saith that the Spaniards had then a Settlement called St[e] Maria, a little way to the Northward of St[e] Juans, but to the Southward of the River Alatamaha, and the Depon[t] Saith that the said Settlement of St[e] Maria was then utterly destroyed by the English under the Command of Colonel Moore, and that the Spaniards have never since had any Settlement to the Northward of their look out, which is

6

to the Southward of St Juans River, and that the said Look out at St Juans is computed to be about Twenty or Thirty English Miles to the Northward of the Fort or Castle of St Augustine

Sworn to before me in the Council Chamber the 21st Day of April 1735

John Bee

Wm Bull

The Deposition of Joseph Parmenter 11th February 1737 South Carolina.

Before the Honble Thomas Broughton Esqr Lieutenant Governour and Commander in Chief in and over His Majesties Province of South Carolina.

Personally appeared Joseph Parmenter of the Province of South Carolina Planter, aged Sixty Six Years or thereabouts, being duly Sworn, made Oath, That he has been in the Province of South Carolina fifty Six Years or thereabouts and that about Twenty Six Years ago in Company with several others both Indians and Whitemen, the Deponent visited the Countrys lying near the Sea Coast, between Charles Town in South Carolina, and the Castle of St Augustine, lying on the Coast of Florida and also some parts of the said Coast lying to the Southward of St Augustine, and the Deponent saith that he and his Company chiefly

went

went within Land through the Creeks and Inletts on the said Coast, in Boats or Vessels commonly called Periaguas, and the Deponent further Saith that within these Twenty Six Years the Deponent has been employ'd in the Service of the Government of South Carolina, and that he has had frequent Occasion upon duty in Quest of Indians who were enemies to that Government to Cruises Range and Scout as far as a Spanish Fortress or look out, computed to be about Thirty or Forty Miles nearer to Charles Town than St Augustine and the Deponent further saith That he is very Certain that for the Space of Twenty Six Years now last past, the Spaniards have had no Settlement to the Northward of the said Fortress, or look out commonly called St Juans, on this part of the Continent And the Deponent further saith that before the Yamasee Indians broke out in War against the People of South Carolina, which the Deponent believes was in the Year of Our Lord One Thousand Seven Hundred and fifteen, there were some English Settlemts on an Island called St Catherins, at a place which has been ever since called Pagombs Hill.

Sworn before me in Council the 11th of February 1736/7 The Broughton

his mark
No 1 of
Joseph Parmenter

The

The Deposition of John Ballentine

South Carolina In the Council Chamber Friday the 21st April 1738

John Ballentine of Charles Town maketh Oath, That the Deponent was in the Service of the Government of South Carolina in the Year of Our Lord One Thousand Seven Hundred and Sixteen, and that he was then employ'd to Scout and Search after the Indians who were then at War with the People of South Carolina, and the Deponent saith, that he hath been upon the Islands and Inlets between Port Royal in South Carolina, and the Spanish Look out on the South Side of St Juans River, and the Deponent saith, that the Spaniards have had no Settlement to the Northward of the Aforesaid Look out, ever since the said Year of Our Lord One thousand Seven Hundred and Sixteen.

Sworn before me in the Council Chamber this 21st day of April 1738
Wm Bull.

John Ballentine

The Deposition of Captain Joseph Drew

In the Council Chamber Sunday 11th April 1738

Joseph Drew of the Province of South Carolina, Mariner, being Examined maketh Oath That the Deponent Sailed

Sailed from the Harbour of Port Royal in the Province aforesaid on Board the Schooner Beaufort Whereof the Deponent was then Master on the fifth day of May last past for St Augustine in the East of Florida, Where the Deponent arrived on the Twelvth day of the same month, That soon after the Depont's Arrival at St Augustine he was taken Sick, and that during his sickness the Schooner which was under his care, was hired by the Governour of St Augustine to go to Apalachie, and the Deponent on Account of his Sickness was obliged to stay at St Augustine. That upon the Deponents Recovery Captain Caleb Davis an English Trader at St Augustine hired a Sloop of the Spaniards to carry some advices to Havanna and the Deponent's Schooner not being arrived from Apalachie, the Deponent was employed by the said Davis to take care of the said Sloop to the Havanna, for which place the Depont on the 11th July last sailed in the said Sloop under the Command of Diego Gonzales de Diaz, with one English Man and five Spaniards. That the Depont arrived at the Havanna on the 23d of August last. That the Depont stayed at the Havanna sometimes on Shore and sometimes on Board the Sloop until the 21st September, when one Don Antonio De

Aradonda

Aradonda Chief Engineer at the Havanna, sent a Servant to the Deponᵗ on Board the aforesaid Sloop with a Message, that he wanted to speak to him. That as soon as the Deponᵗ entred the said Engineers House, the said Engineer bolted the Door upon him, and an Officer that was there present told the Deponᵗ that he was a Prisoner by Order from the Governour of the Havanna, and that the Governour only wanted to speak to him, and that he would then have his Liberty again, and the Deponᵗ was kept at the Engineers House 'till the Evening, when the Ave Maria Bell rings, and then the said Officer carried the Deponᵗ in a Calash with his hand tyed to a Soldiers Arm, 'till they came to the Water Side, and then put him into a Canoe, and carried him over the Water in the Morro Castle, where the Deponᵗ was confined Six Months and five Days. That after the Deponᵗ had been there about four Months, the aforesaid Engineer came to the Deponent one Morning before Day, and Examined the Deponᵗ concerning his knowledge of the Coast of Carolina, and showed him a Plan or Chart of the Coast from Charles Town Barr to Sᵗ Augustine, but the Deponᵗ Excused himself by saying that he was but a Stranger in

Carolina

Carolina, and had Settled there very Lately. That whilst the Depont was under Confinement he was informed by the Adjutant of Moore Castle, that the Depont was confined in order to be a Pilot in an Expedition, which was then forming against Savanna, which the Depont Apprehended to be Georgia. That during his stay at the Havanna, it was very plain and Publickly known, that the Governor of the Havanna was preparing a force to Invade the Province of Georgia. That particularly he had provided Two Sixty Guns Ships, One thirty Guns Ship, Two 24 Guns Ships, and Two Sloops of 8 Guns each, and that there was a talk of Embarking in these or some other Vessels Seven Thousand Men. That about the beginning of March he was informed, that an Express was arrived from Old Spain at the Havannah, which was first put on Shore at St Domingo, from thence Conveyed to Jago Defuba, and from thence Over Land to the Havanna which Express (as this Examinant has likewise been informed) Imported orders from the Court of Spain, to put a stop to the Intended Invasion of the said Province of Georgia, for that there had been an Agreement between the Crowns of England and Spain, and that it was currently Reported, that by such Agreement the

the said Province of Georgia, Gibraltar, and Port Mahon were to be Surrendered to the Court of Spain, or that there was Concessions between the said Crowns of that or the like Nature. That on the Twenty Sixth day of March last this Examinant saw the Two Sixty Guns Ships before mentioned unrigged being hawld up behind the Town, but that the 30 Guns Ship and the Two 24 Guns Ships remained in a Condition of Sailing, and that it was reported the 30 Guns Ship, was to Sail for La Vera Cruz as belonging to Old Spain. That on the said 21st day of March he was put on Board one of the said 24 Guns Ships, which the same Day Sailed for St Augustine; That there Sailed likewise from the Havanna in Company with them One small Ship, Two Snows and One Schooner as Transports with 500 Soldiers & Eighty Spanish Servants all which Vessels arrived off the Barr of St Augustine the 2d Day of April Instant. That the said Small Ship, 2 Snows 1 Sloop & the Schooner, went into the Harbour. That the said Soldiers and Banished Persons were put on Shore, as was likewise this Examinant, who then saw lying in the Harbour, One Spanish Sloop, 6 Galliots, 37 Launches and Pinaces, and Two English Sloops besides the Vessels before mentioned to have entered the Harbour.

and

and which came in Company with the Twenty four Gun Ships from the Havanna, and this Examinant further saith that during his Stay in Town a Proclamation was publish. by read in the Streets purporting that all the Negro Slaves, that had run from the English should have their freedom, that the 28 Guns Ship in which this Examinant Arrived at St Augustine, and one of the Sloops in Company, sailed on Friday the 7th Instant, to the best of this Deponants Remembrance, as he was Informed upon a Cruise, and that it was reported Otherwise that all the Small Craft Except 1 Gallot, 2 Launches & 1 Pinace were to sail for the Havanna on Fryday next being the 14th Instant That whilst the Depont was at St Augustine, he was informed that the Schooner of which this Depont was Master, was sent unto the Bay of Apalachee, with Five Guns, where three Guns were left in a Small Pallasade Fort, and the Depont was also informed, that one half of the Banished Persons, and One Hundred of the Recruits lately arrived at St Augustine were to go to make a Settlement at Apalachee

Joseph Prest

Sworn to before me in the Council Chamber the 11th Day of April 1738 Wm Bull.

The

The Deposition of James Howell

South Carolina Council Chamber April the 21st 1738

James Howell Inhabitant of this Province, and Master of the Schooner Beaufort, being duely Sworn and Examined says that about the 12th of January last this Deponent Sailed from Beaufort in this Province to St Augustine, where arrived about the 15th of that Month, and after this Depont has discharged and disposed of his Cargoe there, he applyed for a Clearance in Order to take his departure from thence Whereupon the Governor there said this Depont was not to go away till another Vessel came in, which this Deponent afterwards understood was meant till some expected Advice was brought from Havanna, so that this Depont was ordered to stay there, and his Vessel was then sent to the Havanna, and during this Depont stay at St Augustine no English man was suffered to Write or Speak to another This Depont also says that during this Depont Stay at St Augustine, the Governor of that place dispatch'd a Periagua with Twenty Men to keep a Look out at St Juans, this Depont also says, that about the 20th of last Month there arrived at St Augustine 3 Pinances Galleys and Launches well Mann'd and Armed

Armed, particularly the Gallys which were Six in Number new built and made on purpose to go in Shoal water, each of which had three Guns, 12 Pounders in their Bows, and fifty Soldiers; and about the first of this Instant there arrived also at St Augustine 3 Snows, 2 Schooners with Provisions attended by a 24 Gun Ship of Warr and a Sloop of Ten Guns By one of which Snows this Depont understood a Packet of advice came to the Governor of St Augustine to Countermand the Expedition intended Against Georgia, for this Depont heard it commonly spoke of there, that the design of the Several Preparations made at St Augustine, was intended Against Georgia. This Depont also says, that he has sold the Trade of that Place for these 5 Years past, and there never were more heretofore than 300 Men Garrisoned there to the Deponts remembrance, and that there were at the time of this Deponts leaving 1300 Disciplin'd Men and 200 Florida Indians, which arrived there from Cape Florida, in a Sloop & Schooner from thence about the first of this Month. This Depont also heard that the said Forces at St Augustine were to be joyned by the other Forces from Havanna, making together 7000 Men, 2 Sixty Guns Ships of Warr, and that

200

200 Great Guns were put on board a Spanish Man of Warr to Settle a Fort at Frederica, and that it was spoken of there, that 1500 French from Canada were to join the Spanish Forces on their Settling of Georgia. This Depont says he has no other reason to think the Spanish Designs against Georgia are as yet Suspended, But that he this Depont and the rest of the English at St Augustine had leave to come away, on that Vessels arrival; and that he this Depont heard the Capt of the Horse at St Augustine say, that the Governmt of England had agreed that Georgia should be Evacuated in 6 Months then ensuing, and that was the reason of their keeping a Launch and a Pennance behind in which the Governor was to send an Officer in about a Fortnight then after to go and demand a Surrender of Georgia; And the Captain of the Horse at the same time said, that all the rest of the Pinnances, Galleys and Launches were to be sent back to Havanna in a few Days: And that the Indians were to return to Cape Florida. This Depont also says that the Man of Warr, and Sloop of Ten Guns were Sailed for Havanna before this Depont came away. And this Depont further says, that some time before, he heard a Proclamation made

made at St Augustine, That all Negroes who did or should hereafter run away from the English, should become free, and the said Proclamation had effect accordingly, for several Negroes who run away thither & were sold there were thereupon made free, and the Purchasers lost there Money.

April the 21st 1731 James Howell

Sworn to before me

Wm Bull

Extract of Colonel Moore's Letter to the Lords Proprietors 16th April 1706

I will not trouble Your Lordships with a relation of the many Hazards, and difficultys I underwent in my Expedition against Apalluchee, but beg leave to let you know what I have done there.

By my Own Interest and at my own Charge I raised fifty Whites all the Government thought fit to Spare out of the Settlement at that time, with them and one Thousand Indians, which by my own Interest I raised to follow me. I went to Apalachee the first place I came to, was the Strongest Fort in Apalachee, which after nine hours Storm I took, and in it Two hundred Persons alive, and killd 20 Men, in this Engagement

Engagement I had killd three Whites and four Indians of the last there was but fifteen ever come within Shott of the Fort. The next Morning the Capt^n of the Fort of St Lewis and the Governer of the Province of Apalachee, with all the Forces of whites and Indians he could raise in the Province came and gave me Battle in the Field; after half an hours fight, we routed them, and in the Fight and Flight killd Six Spaniards one of which was a Fryer, took the Captain and Governor and the Adjutant General, and Seven Men Spaniards Prisoners, and killd and took Ten Hundred Indian Men, In this Fight my Captain was killd and Eleven of my Indians. I lay in the Field of Battle four days, some of my Wounded Men not being in a Condition to march, or be carried any way; in this time the next strongest Fort was Surrenderd to me on Conditions, on the fifth day I marchd to two more Forts, both which were delivered up to me without Conditions, And the Men, Women and Children of the whole Town, which were in it Prisoners at Discretion In one of the Forts I lodgd one night the next day I marchd to two more Forts, both which with the People that were in them, were delivered to me without Conditions, as were the two other Forts In one of these I lay two

Nights

Nights; here I offered freedom of Persons and Goods
to as many Kings, as with all the People under
their Government would go along with me, and live
under, and Subject themselves to our Governments,
on these Terms four Kings with all their People came
away with me. And part of the People of four
more Kings, which I have planted among our Indians,
and put them out of a Capacity of returning back
again alive, In this Expedition I have brought away
free 300 Men and 1000 Women and Children, have
kill'd and taken as Slaves 325 Men, and have taken
Slaves 4000 Women and Children, tho I did not
make Slave or put to Death One Man, Woman
or Child, but what were kill'd and taken in the
Fight, or in the Fort I took by Storm All which
I have done with the loss of 4 Whites and 18 Indians,
and without One penny Charge to the Public. Before
this Expedition we were more afraid of the Spaniards
of Apalachee and their Indians in Conjunction with
the French of Mississipi, and their Indians doing us
harm by Land, than of any Forces of the Enemy
by Sea, this hath wholly disabled them to Attempt
any thing against us by Land, the whole Strength
of Apalachee not exceeding three hundred Indians and

20 Miles, who cannot now (as I have scaled Our Indians) come at us that way, but they must march thro' 900 Indian Men our Friends, which before this Conquest of Apalachee were (for fear of the Spaniards and their Indians every day removing to the Northward of us.

That Colony of the French which is Scated on the River Mississipi, are not the French we have reason to fear, they have Scated a Colony on a River called Teosa six days Journey nearer us than Mississipi, and not above 50 Miles further from us than Apalachee. These French and their Indians (if Suffered to live where they are now) will be no less a dangerous Enemy to us in Peace than in Warr, It being much easier for them to Cut off our Out Settlements from this place than it is for the Canada Indians to Cut off the Inland Towns of New England

Extract of Colonel Moore's Letter to S^r^ Nathaniel Johnson 11^th^ April 1704

May it Please Your Honour

To accept of this Short Narration of what I with the Army under my Command have been doing

since

since my Departure from the Ottmulgees, which was on the 19th of December. On the 11th of January at Sun rising we came to a Town, a Strong and almost regular Fort, called Tuscaulla, at our first Approach the Indians in it fired and shott Arrows at us Briskly, from which we hid and Sheltered Ourselves under the Side of a great Mud Walled House till we could take a View of the Fort, and Consider of the best way of assaulting it, which we concluded to be, by breaking Open the Church Doors which were a part of the Fort with Axes &c.

No Sooner proposed this, but my Men readily undertook it run up to it briskly, (the Enemy at the same time shooting at them) were beaten off without effecting it and 11 Whitemen wounded. Two hours after that, we thought fit to attempt burning the Church which we did, 3 or 4 Indians Assisting us in it. We burnt it; The Indians in it obstinately defended themselves and killd us two Men, viz Francis Plowden and Thomas Dale, after we were within their Fort A Fryer the only, which in it, came forth, and fought Manfully In this we took 21 Men alive and 88 Women and The Indians took about as many more of each Sort. The Fryer told us we had killd in the two Storms 36 Men

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Indians) come at us that way, but they
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Johnson 11th April 1704

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The

The next Morning the Captain of St Lewis's Fort with 29 Whites and 400 Indians came to fight us which we did, beat him and took him and Eight of his Men Prisoners, and as the Indians (which say they did it) tell us killd 8 or 10 Whites, We have a particular Account of 118 Indian Men killed and taken in this Fight and flight. The Apalachee Indians say they lost 300, which we have reason to believe to be the least in this Fight, Captain John Berringer fighting bravely in the head of our own Men was killd at my Foot, Captain Lee dyd of a Wound given him at our first Storming of the Fort.

Two days after I sent to the King of the Allachookas, (who with 130 Men was in his Strong and well made Fort) to come to me to make his Peace with me, he did it and Compounded for it, with the Church Plate, and Coal Horses Loaden, with Provisions. After this I march'd thro five Towns, which have all Strong Forts and defences against small Armys, they all Submitted and Surrender'd their Forts to me without Conditions. I have now in my Company all the whole People of three Towns and the greatest part of four more, we have totally destroyed all the People of two Towns so that we have left in Apalachee, but that

one

one Town which Compounded with me Part of St Lewis's and the People of one Town which run away altogether Our Town Church and Fort we have burnt the People of St Lewis's which remain come on & me every Night I expect and have advice that the Town which Compounded with me, are coming after me, the Waiting for these People make my marches Slow for I am willing to bring away with me free as many of the Indians as I can, this being the address of the Commons to Your Honour to order it so. This will make my Men's Parts of Plunder (which might otherwise have been 100 £ Man, but Small but I hope with your Honours Assistance to find a way to Gratify them for their Bold and Stout Actions and their great loss of Blood, I never see or heard of a Stouter or braver thing done than the Storming the Fort, it hath regained the Reputation we seem'd to have lost, under the Conduct of Capt Mackei, the Indians having now a mighty value for the Whites.

Apalachee is now reduced to that Sutle and low Condition, that it can neither Supply St Augustine with Provisions or disturb, damage or frighten our Indians living between us and Apalachie, or the French, in Short we have made Carolina as safe as the Conquest of

of Apalachee can make it.

If I had not so many Men wounded in our first attemps, I had assaulted St Lewis's Fort, in which is now but 28 a 30 Men and 20 of these came thence from Pansacola to buy Provisions the first night, after I took the first Fort.

On Sunday the 23d of this Month I came out of Apalachee Settlement, and am now about 30 Miles in my way home, but do not expect to reach it 'till abouth the Middle of March, notwithstanding my Horses will not be able to carry me to the Cherokee Mountains.

I have had a Derly tedious uneasie Journey And tho I have no reason to fear any harm from the Enemy, thro the Differences between the Whites and Indians, between Indian and Indian, bad wny and false alarms, do still labour under hourly uneasynesses. The Number of free Apalachee Indians, which are now under my Protection, bound with me to Carolina are 300 The Indians under my Command kill'd and took Prisoners in the Plantations whilst we Stormed the Fort, as Many Indians as we and they took and kill'd in the Fort

I am

Your

Your Honr.

Most Faithfl Obt humble Servant

Js. Moore

The Deposition of Mathew Bund Sworn 12th of
South Carolina

Before the Honorable Thomas Broughton Esq
Lieutenant Governor and Commander in Chief in and
over the Province of South Carolina In Council

Personally appear'd Mathew Bund of the Province
of South Carolina Planter aged Sixty two years or
thereabouts make Oath that this Deponent arrived
in the Province aforesaid, about the Month of Sep-
tember in the year of Our Lord One Thousand
Seven Hundred, and that about three years after that
time, the Deponent was a Soldier in an Army under
the Command of Colonel James Moore the Elder Con-
sisting of about fifty Whitemen, and One Thousand
and three hundred Indians Chiefly composed of the
Nations of Indians called Creeks Chickesaws and
Savannas then, and still in Friendship and Alliance
with the Government of South Carolina And that the
Deponent about the time aforesaid marched with the
said Army into a Country lying to the Westward
of

of St Augustine inhabited by a Nation of Indians called the Appellachees amongst whom the Spaniards had a Fort a Church and a Priest, and that the said Army Attacked the said Fort, and demolished the same and destroyed the Church and that the next day after they had took and destroyed the Church and Fort Colonel Moores Army was attacked by an Army of Indians and Spaniards which was fought and Over come by the Army under the Command of Colonel Moore And that the King or Chief Man of the Appellachee Indians, came to Colonel Moore and submitted himself and his People to the Crown of England, and told Colonel Moore, that he was willing so to do for that he found the Spaniards could no Longer protect or assist him or his People, and the Deponent further saith that the said Appellachee Indians left their Settlements and several of them settled amongst the Creek Indians, and others Settled at or near a place called Savanna Town, on the Savanna River in South Carolina, and the Deponent further saith that the place where the said Fort and Church Stood, and the Country and parts adjacent to the same, have ever since remained uninhabited and unoccupyed and still so remain, and further the Deponent saith not

Mathew

Sworn before me
this 12th Febr 1736/7
Tho: Broughton

Mathw Beard

Copy of the Commander in Chief of New York
Letter to the Governor or Commander in Chief
of South Carolina

New York January 11th 1736/7

Sir

Yesterday I received Advice from the Indian Interpreter, whom I sent to reside in the Senecas Country (to keep those People Steady to the Interest of his Majesty and to defeat the Intrigues of the French Interpreter who is often there) That the Governor of Canada intends to set on foot a Warlike Expedition, not against the Iroois, but as the Interpreter thinks Against the Indians belonging to Your Government and North Carolina. That the French King has sent Eight Hundred Men with Cannon up the River Messasipi, who are to Winter at Old Allorawa, and are to be joined by a Thousand Men from Canada, the Governor whereof has by a Messenger with a Belt of Wampum invited the Six Nations to assist them; This the Sachems, he says desire me to inform you of, but do not

not tell me what Answer they gave to the Gover-
nor of Canada. He says he that the French lost
there last Year Two hundred Men, and One Priest, He
likewise informs me, That on the Seventh of November
last the Sennekas brought to their Castle three Scalps
and one Prisoner, whom they intended to burn, but
that he redeem'd him. That the Oneides, Cayougos and
Senekas were mostly gone out a fighting. That the
Cayougos had sent an Express to the Sennekas acquaint-
ing them that the Governor of Pensilvania had sent
an Indian to Onondago to Inform them that the
Governors of Virginia and Pensilvania, having Endeavoured
to make a lasting Peace between the Flatheads, and
the Callabas, and our Six Nations, they had brought
the Flatheads to accept of it, but that the Calla-
bas absolutely refused, determining to carry on the
Warr against our Six Nations. I am very sorry to
find the Callabas so resolved at this time, when
the Six Nations were in a pacifick Disposition,
what the Event will be I cant tell but possibly this
may make them favr the French in their Expedition
if it be intended against any of those Indians.

This, Sir, I have thought necessary to inform you
of, desiring that you will be pleased to send the

Articles

Notices to Georgia and North Carolina, that they may have time to take such measures as they think proper. I am with much respect

Sir

Your most obedient humble Servant

Jno Clarke

The Information of John Colcock Mariner

May 23d 1731

I arrived at Mobille the 10th of April last, where found but few People, most of that Colony and the Adjacent one of New Orleans amounting (with the Illinois) to near three thousand Men, were gone to have against the Chickasaws, and the Army had parted from Mobille about five weeks before my Arrival. I was there informed the Grounds for that Armament was to demand from the Chickasaws all the Slaves and Effects the Natches had some time ago taken from the French, and which they had bought with the Chickasaws, and at same time to deliver up all the Natches, they had amongst them, or the General Bienville was resolved to destroy all he mett with, while I was there came down a Boat from the Army who brought

brought an Account, that the General was sett out by Land and had then about three weeks March to the Nation. This is the Substance of what I gathered from the People in General concerning that Expedition. The Illinois were about Eight Hundred Men commanded by M. Darlagaint Brother to the Governt of Mobille

Sworn before me in Council
this 26th Day of May 1736
Thos Broughton

John Colcock

Copy of William Drake Esq late Commissioner of Indian Affairs his Letter

Sir

After a Mans Duty to God Almighty are performed, I think his next Grand Obligations, are to his King and Country, which Consideration induces me to lay my Thots before you on a Rumour lately brought from Charles Town, in regard to the Importance that I apprehend the Settlement of Chatahuchee River may be of, to these parts of his Majestys Dominions.

We hear in the Country, that there is like to be some difficulty between the Two Crowns of Great Britain and Spain in settling the Boundarys between

us

us and the Spaniard; a matter which however it might be thot of elsewhere, is in my Opinion of vast importance to the British Interest in America & therefore should be well considered, least by bringing the boundary line too far to the Northward, we should loose those Advantages, which is now in our Power to Obtain, and which, if we now omitt, it will almost be impossible for us ever to regain hereafter.

'Tis Rumoured that the Alatamaha River is to be the boundary as far as the Head thereof, and from thence by a West Line to be struck to the South Seas, but this I hope is only Rumour; I'm sure it can only be so, with those who are acquainted with the Situation and importance of those Countrys that lye South and West of the Alatamaha, and the Claim and the pretensions the Englsh have to them. By the Charter of King Charles the Second to the late Lords Proprietors of Carolina, the Latitude of 29.° degrees was fixed as the Southern boundary of Carolina, which you very well know includes the Spanish Settlement of St Augustine it self, and if you'l please to look into Captain Mairns Map of Carolina, which I here inclose to you (least you not have one by you) you'l perceive that it also includes the Mouths or entrance of the

the Appalachee, Chatahuchee, and almost all the other Rivers that empty themselves into the Gulph of Mexico to the Eastward of the Mississipi River Whereas should the Alatamaha be settled as a boundary we should loose thereby at least an Hundred Miles Extent of Dominion on this Atlantick Sea, and what would, in progress of time, be of infinitely worse Consequence to us, we should be excluded from the mouths of those Rivers aforementioned, which would Effectually hinder the settlement of the Inland Shores of those Rivers by the English; for if the Alatamaha must be the Boundary to the head thereof, and a West line to be struck from thence to the South Sea, it will certainly render those parts of the Chatahuchee River, which lye to the North of that line of manner of consequence to us since it will be in the Power of the Possessor of the Mouth of that River wholly to Command the Navigation of it, And you very well know, that without Trade and Navigation no English Colony on that River could subsist or maintain themselves for any considerable time in any tollerable degree of reputation, among the Native Indians, Therefore I can never imagine there is any grounds for the report of the Alatamahas being the Boundary: But if there

is

is any inevitable Necessity hanging over us to oblige us to Submit to it, if from the head of the most Southern branch of that River instead of the lines being run West into the South Sea, it should be run due south into the Gulph of Mexico, it would leave us the Navigation of the Chatahuches free and undisturbed, but I had much rather see the Spaniard wholly excluded from the Florida Shore, than that the English should consent to give up one foot of their Claim to this part of the World.

Tis a Policy I conceive, should be stedily adhered to, by the English, not to give up to any other European Nation any Port on this Eastern Sea, for should we leave any Considerable Port or even an Indifferent one, on this Shore in the hand of any other European Prince, they would not only have it in their Power, in case of a War with greater facility to invade us from thence, but would also in time, were they so minded, destroy our Trade from Jamaica, and the Bahamas, and wholly Command the Navigation thro the Gulph of Florida And when they are once Masters of these Seas, it is easy to forsee, that they will extend their views, and in time make themselves Masters of the Land also Tis for these Reasons we should never

Consent

Consent to the Spaniards encroachments any where to the North or West of St Augustine and the same reasons will hold good, for our making ourselves Masters of all the Ports and Rivers in the Gulph of Mexico, that lie to the East of the Mississipi, but if it should be Objected, that these Rivers lye at present much out of the way, and that the danger is too far distant to justify the running into any considerable Expence to prevent it, let it be remembered that not a Century and a half ago America it self was not accounted of much Consequence, and the Possession thereof by the European Princes was look'd upon as a very trifling Acquisition to their Power or Dominion, but at this Day it is viewed in a quite different light. And tho it lay long neglected it is now Most of it would be a Cheap Purchase if the French King could obtain a Considerable Port or two on the Eastern Sea, even at the Expence of a whole Years Revenue of all his Dominions.

The last year I had the Honour to be appointed by this Government as Commissioner of the Indian Trade, to perform an Agency to the Creek Nation and during my stay among the Creeks, I took care, to inform myself in the best manner I could of whatever I thot might

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might concern the British Interest on those parts in my Journey thither I crossd five or Six Rivers before I came to the Nation, and rode through a Body of good rich Lands for near Two hundred Miles in length, among which there was hardly any intermixture of that, that could be called but and after a journey of about Four hundred Miles from Charles Town I came to the Chalahuchee River, which I have before mentioned a Place and Country by far the Pleasantest I have seen in America, altho I have been in several other parts besides Carolina. But the Pleasantness and Agreableness of the Situation is the least part of its Value, its exceeding Richness and fertility of Soil, and its being capable to produce every necessary of Life is what makes its Value inestimable.

Upon this River which is Navigable as I am informed to the Upper Creeks, Live the Lower Creek Nation, and from whence the Indians some times go down to the Sea, and as I was informed by some of the Indian Chiefs who had been down the River it takes them up a whole Month to Return in their Canoes from whence I conclude that from the Chalahuchee where I received this Information it was 300, or 350 Miles down to the Sea.

His

This River after Watering a fine Country empty's itself into the Sea at the Bay of St Joseph's in the Gulph of Mexico, as I have already Observed, and is in my Opinion by much the most deserving Consideration of any River that falls into that Gulph not the Mississipi itself tho it leads into a far greater extent of Country excepted. For the Mississipi is (as I am Informed by one Captain Henry Isaac an English Man, but who had lived many Years among the French on the Mississipi, and who I found among the Creeks) so very Shallow and full of Shalls, at its Mouth, and its stream is so exceeding rapid, that its Navigation is Rendered very difficult, But the Chatahoochee River, as I am told has Ten or Twelve Fathom Water at its Mouth, and carries its depth a Considerable way up into the Country, and is adorned with several Noble and beautiful Islands, which it surrounds, and is not now, at least was not then I was there in the Year 1785 Possessed by any Europeans from one end of it, to the other. So that there is no Obstacle to hinder us (if we were, as I hope, we shall be so minded) to take Possession of it. Now some of the advantages, which would accrue to the English by Possessing themselves of this River, among many others are these. We should

be

be immediately in Possession of a fine Port and Harbour on this Gulph, where now we have not an Inch of Territory, and here such Ships as would use the same, would lye in a fresh Water River, free from the Worm, which so much injures the Shipping at Jamaica, and the West Indies, and here they might very easily be Supplied with Masts, and all other Naval Stores, and the Country would very soon abundantly Supply them with all sorts of Provisions, And as in that Country I was Informed by the Indians, they have no Hurricanes or hard Gales of Wind, that even blow down their Trees, I would Submit it to the Navigators, whether it would not be by far a more safe and Convenient Receptical for our West India Squadron than Jamaica, and whether from thence they could not as easily protect our Trade, and obstruct the Spanish Fleets in their Voyage to Old Spain, as from Jamaica: But what may hereafter prove of more Consequence to us by our Possessing our Selves of this Noble River, and the Countries adjacent to this, it would render the French Settlement at Mobille of little use to them, it would effectually prevent their Increase, and Spreading in those Countrys but above all would be the best Barrier we can possibly have against the encroachments of the French

on

on the Mississipi And of this the French are so sensible, that Captain Isaac before mentioned told me that whilst he was at New Orleans when the Settlement of Georgia was first begun, the French were then under a good deal of concern about it, but as they did not know particularly where the Settlement was intended they concluded it must be on the Chatahuchee River, and Monsieur Benville the French General sent a Vessel from thence to the Mouth of the Chatahuchees to learn the Certainty of it with a design no doubt to give what obstruction he possibly could to it. We know by daily experience that the French are endeavouring to unite their Strength, and join their hands from all their Settlements, from Canada and the Bay of St Lawrence in the North, tho' the Mississipi and the Gulph of Mexico in the South, by which means they will in time either gain all the Indians from St Lawrence to the Mississipi to their Interest or destroy and root out all the Indians who will not come into their Interest, as they are now attempting, and is feared with too much probability of Succeeding, against the Chickesaws, from which a very Possible Consequence is to be feared, that in process of time, they will be able to push the English

in

in North America into the Sea, unless proper Sluices and Barrier be in time (even now when they are to be had) made against them Another good Effect which I apprehend would ensue from our making a Strong Settlement on this River; would be that in case of a Warr, we might from thence, and the Settlement at Georgia, with ease dispossess the Spaniard of St Augustine and all the Point of Florida, which would prove of Double service to us, first it would take away that Relief which St Augustine sometimes affords to their Plate Fleet in their Passage thro the Gulph of Florida to Old Spain, consequently render his Catholick Majesty less secure in his Riches; and in the next place it would effectually prevent or save us from those Depredations, which in case of a Warr, and even in times of Peace are too frequently made from thence on the British Subjects.

In my return from the Creek Nation I lay one Night at old Capt Rawlins's on Edisto, he seemed to me to be a Man of near 70 Years of age, and had served formerly as a Soldier under King William of Glorious Memory in Flanders, in my discourseing about my Journey to the Creeks he informed me that about Thirty Odd Years ago he lived in that Nation, and on

my

my informing him, What Isaac had acquainted me with as above, he told me he believed it was very true, and added that he was with Colonel Moore in the Year 1703, in his Expedition against the Apalachees, and that he was down towards the Mouth of the Chatahuchee, and that he had never before seen so rich a Country as that was Excepting Flanders, and that it was a Country in his Opinion by all means deserving of the attention of the English.

I shall not fear Giving you as long as I am upon any Subject, which I apprehend may be of Service to our Country, I therefore shall not ask pardon for detaining you a moment longer on this affair, which I judge of such Importance not only to this Province in particular, but to the British Interest in General in this part of America, that it ought to be duely considered by all those that sincerely have that Interest at heart.

If it be asked what Right the English have to possess themselves of this Country, I answer, That I am not Lawyer enough to determine it, But I apprehend it is sufficient for us that it is within the Bounds & Limits of the Charter Granted by His late Majesty King Charles the Second to the Lords Proprietors,

and

and if the King had Power sufficient to Grant it which I shall not take upon my self to Judge of surely his present Majesty has right and Power sufficient to possess what his Royal Predecessor had before Granted, and which by the late Act of Parliament hath revested in the Crown. And further as the Subjects of His Britannick Majesty did in Open Warr under the Command of Colonel Moore in the Year 1703 Actually Conquer the Apalachies, who were the Antient Inhabitants of that Country, and as it has never been since, nor is now Possessed by any other European Nation surely no dispute can arise whether we have not by Conquest, Acquisition or some other way the best right to it. But alas this right I am affraid will Stand us in little stead unless we exert it, and by settling a Numerous Colony there of Englist Subjects, take actual Possession of that Country, which as a true Englishman, and a hearty Lover of my Country I should extreamly regret seeing in the hands of any other European Power. And as the French at New Orleans have got it into their Heads, that we will one time or other take Possession of it, I am really afraid that if the Englisk Ministry, shall not think fit to do it soon, we shall be prevented by the French,

being

being before hand with us therein. And from whence all those Evils I have just hinted at and many more, which I have not time to enumerate will (I pray God avert it) like a Torrent pour in upon us

Sam. Sir

Your Obed Humble Servt

Santee July 20th 1731 Will Drake

Extract of Colonel Barnwells Journals and Observations

In the 7th year of His Reign (Lewis the 14th) Granted by his Letters Patent the Trade of the Country of Louisiana, for the Space of 15 Years to Mr Crozat his Secretary on Several Conditions therein Specified, which Patent begins thus.

Louis by the Grace of God King of France and Navarre, To all who shall see these Present Letters Patent Greeting We did in the Year 1683. give our orders to undertake a discovery of the Countries and Lands which are Scituated in the Northern part of America, between New France, and New Mexico, and the Sieur de la Sale to whom we Comitted that Enterprize, having had Success enough to confirm a belief that a Communication might be settled from New France

to

to the Gulph of Mexico, by means of large Rivers. Has obliged us immediately after the Peace of Ryswick to give Orders for the Establishing a Colony there and maintaining a Garrison which has kept and preserved the possession we had taken in the very year 1683 of the Lands, Coasts and Islands which are situated in the Gulph of Mexico, between Carolina on the East, and Old and New Mexico on the West. And Whereas upon the Information we have received concerning the Disposition and Situation of the said Countries known at present by the name of the Province of Louisianna &ca We have resolved to Grant the Commerce of the Sd Louisianna to the Sieur Anthony Crozat &ca We by these presents signed by our hand have appointed and do appoint the said Sieur Crozat Solely to Carry on a Trade in all the Lands possessed by us and bounded by New Mexico And by the Lands of the English of Carolina all the Establishment, Ports, Havens, Rivers and Principally the Port and Haven of Isle Dauphine, heretofore called Massacre, the River of St Lewis heretofore called Missisipi, from the Edge of the Sea as far as the Illinois, together with the River of St Philip, heretofore called Messourys and of St Jeromes heretofore called Ouabache, with all the Countries, Territories

Territories, Lakes within Land, and the Rivers which fall directly or indirectly into that part of the River of St Lewis.

1 Our Pleasure is that all the aforesaid Lands Countries, Streams, Rivers and Islands be and remain Comprized under the Name of the Government of Louisiana which shall be Dependant upon the General Government of New France, to which it is Subordinate, and further that all the Lands which we possess from the Illenois be united so far as Occasion requires to the General Government of New France, and become part thereof. Reserving however to ourselves the Liberty of Enlarging as we shall think fit the Intent of the Government of the said Country of Louisiana

2. We Grant to the said Sieur Crozat for 15 Years Exclusive of all others, the sole Trade to that Country and order our Governors and Officers Commanding our Troops in the said Country forceably to Abet, aid, and Assist the directors and Agents of the said Sieur Crozat

The Deposition of Joseph Barry Gentm.
Charles Town 28th day of May 1731

South Carolina

This day before me Joseph Bragg Esq one of

of His Majestys Council, and Empowered by a Dedimus from the Honourable William Bull Esqr President &c. of the Province aforesaid in his absence to Administer an Oath to Joseph Barry of the Province aforesaid Gentleman, who appear'd and being duly Sworn upon the Holy Evangelists, was shewn a Copy of a Letter from Colonel James Moore to the Lords Proprietors of Carolina Dated 11th day of April 1706. And also a Copy of a Letter from the said Colonel Moore to Mr Nathaniel Johnson of the said Date, and did declare upon Oath that he was Acquainted with the said Colonel Moore and his hand Writing, and doth really believe the said Letters were the handwriting of the said Colonel Moore and further this Deponent Saith not

Sworn before me the day and year abovementioned

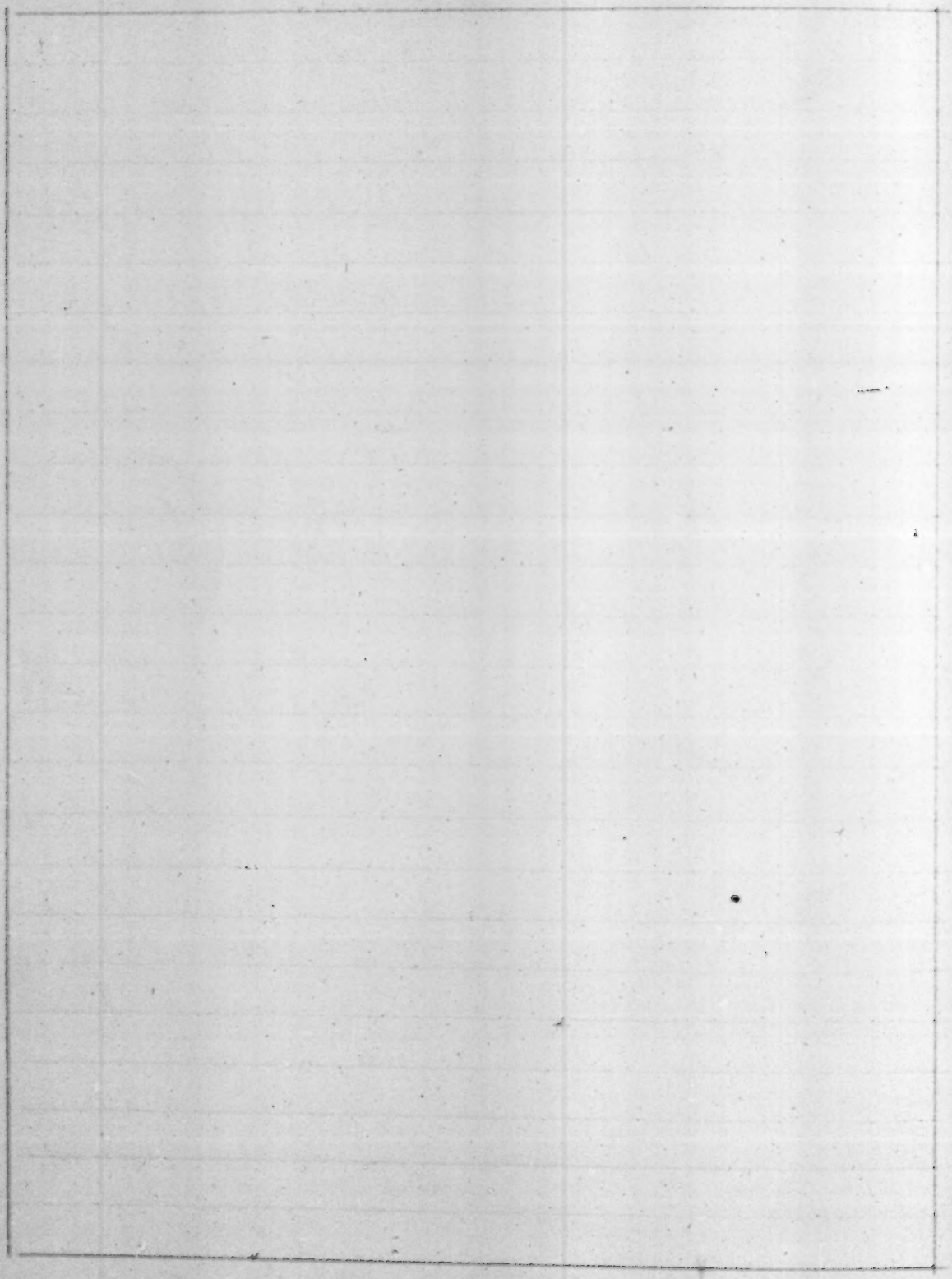
Jos Wragg

I Barry

I hereby certify the above Depositions &c to be true Copys of the Originals

I Badenhop C C

Recd
Read } July 27th 1736



B. P. R. O South Carolina B T vol 7 Fol

(27th May 1731)

At the Council Chamber Whitehall

the 27th of May 1731

By the Right Honourable the Lords of the

Committee of Council for Plantation Affairs.

His Majesty having been pleased by His Order in Council of the 25th of this Instant May to refer unto this Committee the humble Petition of Charles Purry praying for the Reasons therein contained that the Governor of South Carolina may be directed to carry into Execution His Majestys Instructions to the late Governor for laying out the Lands within Six Miles round the Township of Purrysburgh — The Lords of the Committee this day took the same into their consideration and do hereby Order that a Copy of the said Petition (which is hereunto annexed) be transmitted to the Lords Commissioners for Trade and Plantations who are to insert an Article in the Instructions which they are now preparing for Colonell Horsey requiring him to take care that His Majesty's former Instructions relating to the laying out the said Lands be carried into Execution according to the Prayer of the said Petitioner

W. Vernon

(Enclosures

(Enclosure)

To the Kings most Excellent Majesty in Council

The Humble Petition of Charles Purry Son and heir of Colonel John Peter Purry deceased

Most humbly Sheweth

That your Petitioners late Father hearing of the Encouragement offered by the then Lords Proprietors and Assembly of the Province of South Carolina to such as would undertake to make a Settlement of Swiss or other Protestants for Peopling and Strengthening the Southern Frontiers of that Province, did in the Year 1724 come to London to Treat with the said Lords Proprietors and engaged to carry over one hundred Effective Men to begin a Settlement there; which in the Year 1727 he endeavoured to carry into Execution and brought one hundred Swiss to Rotterdam, but for want of Money he could not then pursue that design any further and they disperst and were lost to him and to the Colony.

That in the Year 1730 Your Majesty who had purchased the Right from the said Lords Proprietors having nominated Robert Johnson Esqr. Governor of South Carolina and he encouraging Your Petitioner's Father to reassume

reassume his undertaking; advised him to offer his proposal to the Assembly of South Carolina who approving thereof, and being desirous to assist him in the Execution of it passed an Act for allowing £600 Sterling to Your Petitioners said Father as a reward to be paid upon his bringing over to South Carolina One hundred effective Men.

That in the Year 1731 Your Petitioners said Father with several others Named for that purpose by His Excellency Governor Johnson Marked the Great Yamasee Bluff on the Banks of Savannah River for Building a Town for the Swiss he was to bring over, and called it Purrysburgh whereupon the said Governor issued a Proclamation the 6th of September 1731 that no Person should be allowed to take up Lands within 6 Miles of the Place Pitched upon and marked for building the said Town

That Your Petitioners said Father on His return to England had the Property of 1000 Acres of Land granted him on Condition he would import or cause to be imported 100 Swiss within the Space of Six Years and by Your Majestys Instructions to Governor Johnson of 22d July 1732 and 20th July 1733 He is required to grant the same in Proportions as the

the said Six hundred Persons should be imported and Settled; and to be marked out in the Lands lying most Contiguous to those sett apart for the said Town.

That Your Petitioners said Father having performed his part of the Condition, by importing 600 Swiss at the Expence of himself and Friends was justly intitulad to the said 18000 Acres of Land by having at a great Expence performed his part of the Contract But instead thereof notwithstanding the Proclamation issued for preventing Lands being taken up within Six Miles of Purrysburgh Yet between the 3d of January 1731 and 20th June 1732 several Persons had caused Lands to be Surveyd within the said 6 Miles to his great Discouragement and in Manifest Injustice to him and to the other Swissers of Purrysburgh which being complained of; Your Majesty was Graciously pleased to Order and Additional Instruction dated the 13th of February 1734 to be sent to the Governor of South Carolina to cause the Lands within Six Miles round the Township of Purrysburgh, which were Originally intended by your Majestys Royal Instructions for the Bounds of the Township and sett apart for that purpose by the Proclamation Published on the 1st day of

of September 1731 to be forthwith Surveyd for the use of Your Petitioners late Father and other Surtyers notwithstanding any former Surveys which might have been made Since the Place for the said Town was pitched upon; for answering the said three Acres of Land and for the use of the Town and such other Settlers as should be transported to South Carolina by Your Petitioners said Father or his Agents, which Instruction was received in April 1735 but without any Redress.

That the Fatal Neglect in the Province of South Carolina of not Surveying the Lands as soon as the Place for the Township of Purrysburgh was pitched upon, gave an Opportunity to all designing People to Survey for their own use those very Lands which by Your Majestys Instruction should have been Surveyed for the Surtyers And the said Surtyers not having their Lands Surveyed to them on their arrival has occasioned their Inability to Support themselves after the Provision allowed them by the said Province was spent whereby many of them have perished and more have been forced to disperse to the entire Disappointment of Your Majestys Royal Intentions of forming this Settlement, and to the Discouragement of all Foreigners who might have an Inclination to Settle

on

in any of Your Majestys Colonys.

Your Petitioners therefore most humbly prays Your Majesty to Direct Your Royal Instructions to the present Governor of South Carolina to take care that Your Majestys former Instructions may be fullfilled, and to obtain such relief to Your Petitioners and the Inhabitants and Township of Purrysburgh as in Your Great Wisdom shall be thought fit

And as in Duty Bound your Petitioner shall ever pray &c.

18th May 1735

Copy.

Rec.d May 31st
Read June 4th } 1735

B P R O South Carolina B T. Vol 9. 180.

(27th May 1731)

At the Council Chamber Whitehall
the 27th of May 1731.

By the Right Honourable the Lords of the
Committee of Council for Plantations Affairs

His Majesty having been pleased to refer unto this Committee the humble Petition of John Barbright praying for a Grant of ten hundred thousand Acres of Land between the Rivers Santee and Watree in His Majestys Province of South Carolina in Order to make a Settlement thereupon. The Lords of the Committee this day took the said Petition into their Consideration and are hereby pleased to refer the same to the Lords Commissioners for Trade and Plantations to Consider thereof and Report their Opinion thereupon to this Committee

Ja: Vernon

(Enclosure)

To The Kings most Excellent Majesty in Council

The humble Petition of John Barbright in
behalf of himself and Several others.

Sheweth

Sheweth.

That there are vast quantitys of Land in Your Majestys Colony of South Carolina uncultivated and particularly between Santee and the Watree Rivers wherein few or no Settlements have been made till within these Eight Years and them at present very inconsiderable.

That if the same were cultivated and Improved they might not only increase Your Majestys Quit Rents but be rendered greatly Advantagious to this Kingdom in the Production of Hemp Pitch Tarr and other kind of Naval Stores with which the English Merchants are now Supply'd from the Baltick at an Expence of near Two hundred and Fifty Thousand pounds as year paid in ready money but if those Commoditys could be furnished from Our own Colonys they would be paid for by the Manufacture of Great Britain.

That Your Petitioner and his Associates are willing to Settle Two hundred Thousand Acres out of the said large Quantitys of uncultivated Land If Your Majesty shall be pleased to grant the same to him and his Associates in Sixteen Different Tracts to be taken up between Santee and Watree Rivers. And Your

Petitioner

Petitioner will undertake to Settle thereon Four Hundred Protestants in the Space of Ten Years and to Increase that Number from time to time as he shall find Encouragement from the Place and Trade Intended to be carried on there whereby he hopes in time to prove very Beneficial to Great Britain and Considerably Augment Your Majesty's Quit Rents.

But that as an Undertaking of this Kind will be attended with very great Hazards and even the most fortunate of them with great Expences at their first Outsett and Particular to Your Petitioner who intends to Contract with Persons from Foreign Parts from whence Hemp and other Kinds of Naval Stores are now Imported into this Kingdom to go over to the said Colony in order to Produce those usefull Commoditys and that as a great many Servants and Slaves will be necessary more than the said Four hundred persons above Engaged to be Settled and as the said Tracts of Land are at a great Distance from the Seat of Government and will be a kind of Barrier to the more inner Parts of the said Colony Your Petitioner humbly hopes that all reasonable Encouragement may be given to the undertaking and Particularly an Exemption from Quit Rents for the

Space

Space of Ten Years.

Your Petr therefore most humbly Prays that your Majesty will be graciously Pleased to Direct the Surveyor of your Majestys Lands in South Carolina or his Deputy to Survey and lay out the said Two hundred Thousand Acres of Land and your Majestys Governor there to pass Grants under the Seal of the said Colony to your Petr and his Associates of the said Lands so to be laid out with the aforesaid Encouragements and that no greater Fees should be demanded than in Proportion to what has been taken in Running out the Townships in that Province

And your Petitioner shall ever pray

John Cartwright

Recd May 30th
Read Do Do } 1738

B P R O South Carolina B T Vol 9 T 81

London May 30th 1738

Sir

At their Lordships Desire, I have examined the Journals from South Carolina Anent Our Boundary Affair, now under their Lordships Consideration, by which, I find many Applications made by us on that head, but particularly, in January 1730/1 I find the Governour and Council recommend Our Account to the House of Assembly, in March thereafter, I find a Memorial from Mr Stone and myself, praying £11. 11. 9 Carolina Money for Our Expences in that Affair, and in consequence thereof, the Governour gave us an Order for £7. 5. Cur, 325. 15. 0 more was to be paid us out of the contingency Money to be allowed for next Year, but the Assembly granted no Money for contingencys, so that was not paid, Thus our Accounts stood in the Year 1731, for Our Expences, In March 1731 I find an application from the Governour and Council, desiring the lower house of Assembly would Allow us a Guinea p Day for our Salary while on the Service, which was 29 Days, which the lower house would not agree to, Thus the whole Affair remain'd in 1731 as appears by the Journal as aforesaid

Hose

those of the Year 1737. not being as yet transmitted home, I can bring no Information from them however. I take the Liberty to lay before their Lordships a copy of a Memorial presented by Mr Skene to the Governour and Assembly of South Carolina, some time in March 1737 as also Copy of a paragraph in his Letter to me, inclosing the same, by which it appears, That our Expences and Salary together ammounted to 1892. 6. 9 Carolina Cur, out of which, we had from the Treasurer by order of the Governour 1770. 5. 0 in part of our Account, So that there remains due to Mr Skene and myself 1119. Carolina Money or £202.12.0 Ster. And I submitt the Expences of the Several Applications for this Sum to their Lordships Consider-ations, when it comes to be Reported to the Lords of Council. I am

Sir

Your most Obedient Servant

To Thos Hall Esqr — Ja: Abercromby

(Enclosure)

Copy of a Paragraph in Mr Skenes Letter to Mr Abercromby Dated in Carolina March 21st 1736/7

I herewith send you a Copy of our Journal with the Line we Run and a Copy of the Memorial I laid

laid in Sure. He Governeur and Council gave intirely into it and thought it most reasonable but the Majority of the Assembly would on no Account agree to it, And said it ought to be paid out of the Lit Rents so that unless you can get us Redress at home we shall sitt down five loosers besides Our Trouble And Fatigue, which surely the Crown will never allow if rightly represented which I doubt not You will take care to Do

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(Enclosure)

South Carolina. To the Hon^ble Homes Broughton Esq^r And To the Hon^ble the Members of the Council.

He Humble Memorial of Alex Shene Esq^r in behalfe of himself and James Abercromby Esq^r

That your Memorialist being by your Hon^rs in Council, Appointed one of the Commissioners for settling the Boundary line betweene this his Majesties Province and that of North Carolina did proceed on that Service in Company with the Other Gentlemen to Cape Fear and Brought that Affair to a happy Issue, with the Persons Appointed by His Excellency Gabriel Johnston Esq^r

That after their Return your Memorialist with James Abercromby Esq^r by your Hon^rs Direction proceeded

-cuded to continue the Boundary Line, which with the Utmost Fatigue Trouble and great Expence, they did ten till they crossed little Peedee or Cypress River when they found it impossible to proceed any further, the Waters in the Swamp being over their Wastes, whereupon they were obliged to return, and even that with the great -est Hayard and Dificully

That upon their coming back they laid an Account for their Salary And Expences before his Hon^r in Council, which was Approved of Amounting to the Sum of £ 1192. 6. 9 Currency, and had an Order on the Treas^r for the Sum of £ 470. 5. in part of their Account.

Your Memorialist humbly hopes that the Resi-due will be paid out of the Ensuing Tax or the overplush of what the Land Tax brought in, in the Years, very large Quant^y of Land having been given And paid for by means of the Boundary line being settled so far as it now is.

Rec^d May 30^th
Read do } 1738

B. P. R. O. South Carolina (B.T.) Vol 26. p. 261.

Whitehall.
June 2d 1738

To the Attorney and Sol. General.

Gentlemen,

By Order from My Lords Commissioners for Trade and Plantations. I send you the inclosed Queries upon wch their Lordships desire your Opinions, and together with them for your Informations several papers relating thereto. I am.

Gentlemen
Your most humble Servt
Tho. Hill.

1st Query.— Whether the Crown has by the Prerogative a power to erect a Court of Exchequer in South Carolina, and in what manner such Court should be erected.

2d What powers a Court so established will have whether they will extend as far as the Court of Exchequer in England and whether the proceedings therein should be the same as in England.

3d Whether the Governor by his Commission or Instructions be sufficiently empowered to appoint a Chief

Chief Baron, and in wt manner such Chief Baron should be appointed.

List of Papers to be sent with this Letter

1st Extract of the Govr Comission for erecting Courts of Judicature.

2d Copy of Article 39 of the Govr Instructions for erecting a Court of Exchequer.

3d Copy of his Majesty's Warrant to the Govr of North Carolina, appointing Mr Smyth, Chief Baron of that Province.

Exd

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 263.

Whitehall
June 6th 1738

To his Grace the Duke of Newcastle.

My Lord,

Having received a Letter from Mr Bull President of the Council in South Carolina with some Affidavits relating to the Preparations which were lately made by the Spaniards at the Havannah, We take leave to inclose Copys of the same to your Grace for your Information, and are.

My Lord.

Your Graces.

Most Obedient & most humble Servts

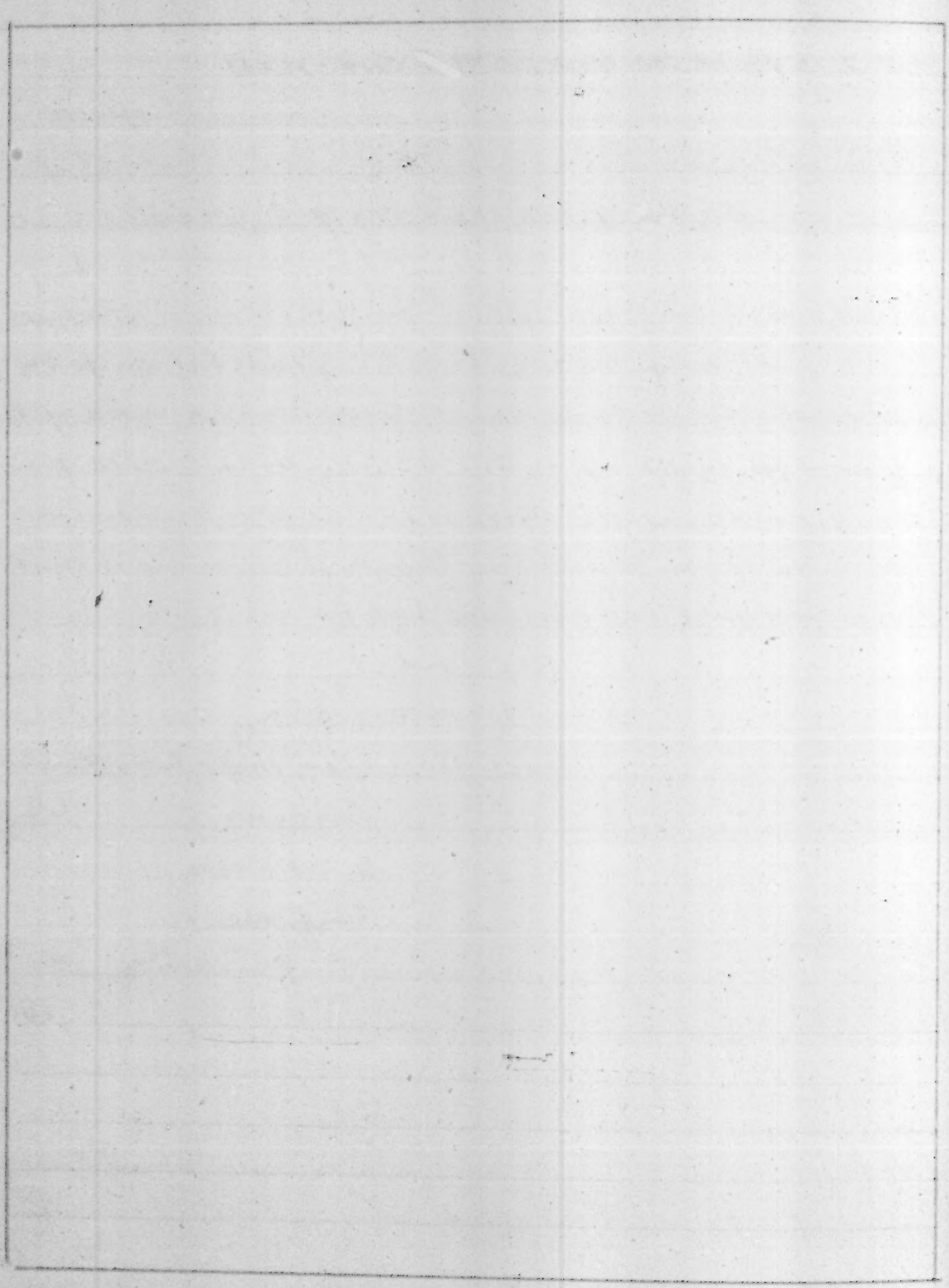
Monson.

M. Bladen.

Edwd Ashe.

T. Plumer.

Esqr



B P R O South Carolina B T Vol 9 Fol

June 8th 1738

My Lords

I beg leave to lay before Your Lordships, some, and the only proceedings had in the Court of Exchequer in South Carolina, by which Your Lordships will see, how far that Court is Established in point of Practice, Two Commissions of Inquiry, One where of to find Office for the King, for Lands Escheated for want of Heirs, the other to Inquire into the Estate of a Felon, both which Commissions were issued out under the Hand and Seal of the Chief Baron, and returnable into the Court of Exchequer, to those Commissions were Annexed Writts of Venire Facias, Requiring the Provost Marshall to Summons a Jury, Out of the Vicinety, to make Inquest of such Persons so Summoned, some did, others did not appear, but of those who did appear, many would not Serve, This My Lords I apprehend, was from Advice some of the Lawyers in the Province had before hand given them, but that they were not compelled to answer such Writts and Summonses, being issued out and returnable in a Court unknown in the Province; And further that as they were Persons, from the

Vicinety

Cirenely of the Premisses, they were not Liable for not Acting as Jury Men, Because by the 22d Clause of an Act Entituled An Act, Conferming and Establishing the Ancient and Approv'd Method of Drawing Jurys by Ballott &c, it is there Declard "That the Chief Justice, and Justices of the Peace, for the time being, shall and are thereby empowered to Summons Juries, on Special Occasions for Inquests of Office &c Out of the Division Numbred (Five or Six) which Division contains none but Persons residing in or near Charlestown; And That no Juries or Inquests (except Coroners Inquests) shall be Drawn in any other Manner whatsoever; So that by the above Said Your Lordships perceave, None can Serve as Jury Men either in the Courts of Records, in that Province or on Special Inquests, except the Coroners Inquests, but such as are Drawn, before the Chief Justice, in manner therein set forth, And by this means, taking of Inquests for the King, becomes, not only extreamly Difficult, but very Expencesive by carrying a Jury from Charles Town, to the Extremitys of the Province, where perhaps the Premisses are, all which I humbly Submitt to Your Lordships consideration & am with great Respect

My

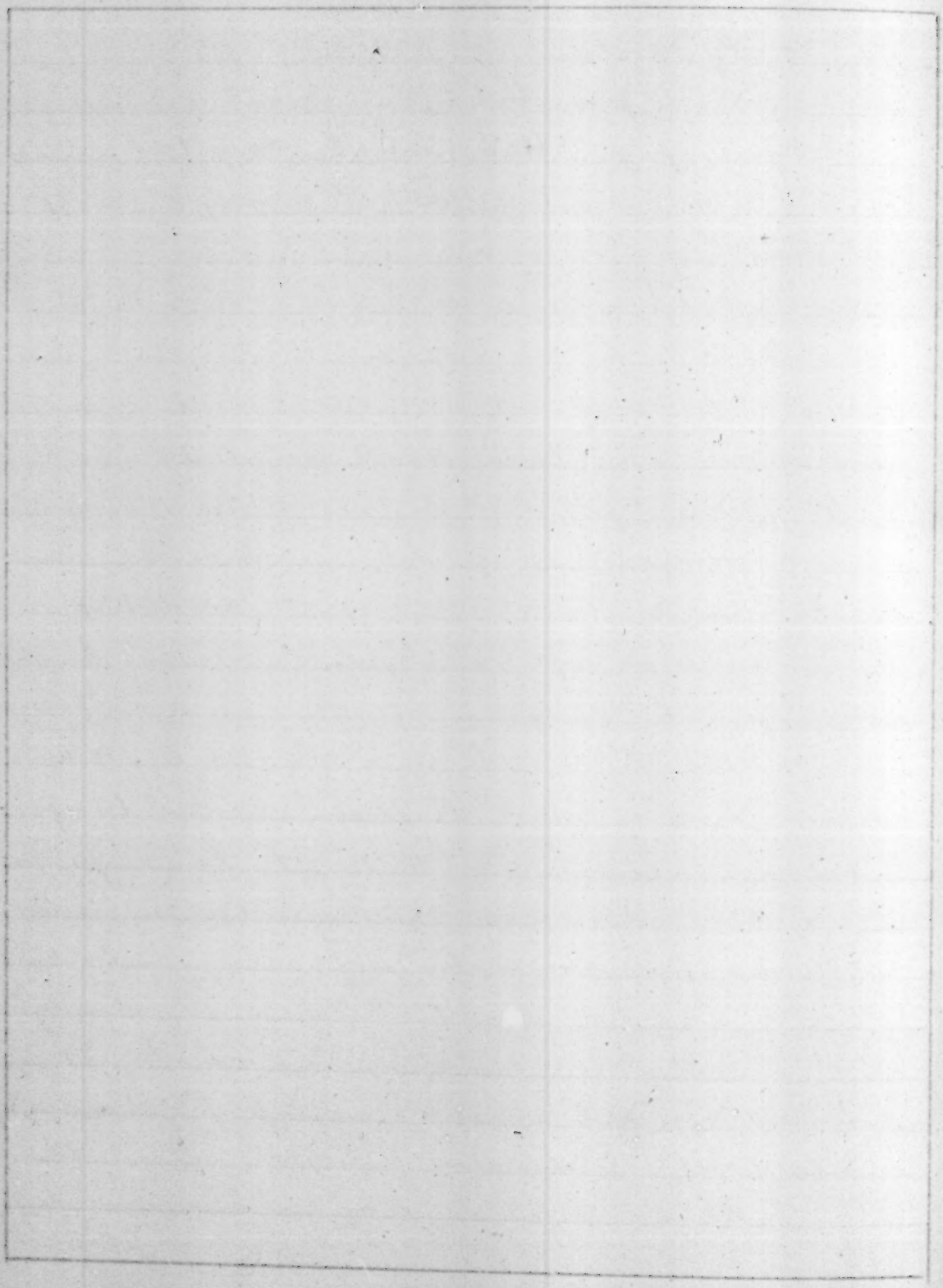
My Lords

Your Lordships

Most Obedient Servant

Jn Abercromby.

Recd June 8th
Read Do 13 } 1738



B P R O. South Carolina B T vol 9. 151

(12th June 1731)

(Report of Yr Attorney & Solicitor Genl (12th June 1731) upon Some Queries about the erecting a Court of Exchequer in So Carolina)

Query

1st Whether the Crown has by the Prerogative a Power to erect a Court of Exchequer in South Carolina? and in what manner such Court should be erected?

We are of Opinion Yt Yr Crown has by Yr Prerogative power to erect a Court of Exchr in South Carolina wch may be done by Letters Patents under the Seal of Yr Province by virtue of his Majestys Commission to Yr Govern for that purpose.

2d What Powers a Court so established will have? whether they will extend as far as the Court of Exchequer in England? and whether the Proceedings there in should be the same as in England?

We are of Opinion Yt his Majesty may Erect a Court of Exchr in S Carolina with the same powers as Yr Court of Exchr here has & we think the Proceedings in such new Erected Court shd be agreable as near as may be to the Practise here

3d Whether the Governor by his Commission or Instructions

Instructions, be sufficiently empowered to appoint a Chief Baron? and in what manner such Chief Baron should be appointed?

We think the general Power of Erecting Courts of Justice as given by yr Commissn to Mr Horsey would be Sufficient to authorize him to appoint a Chief Baron But as by yr 39th Instr: The Crown Seems to reserve to it self the Consider: whether a Standing Court of Exchqr shd be Erected or not & as Doubts have arose in the Province touchg the Authority of yr Present Chief Baron, We Conceive it is not advisable to rest yr Authority of erecting such Court & appointing yr Chief Baron on the present Commission & Instructions but yt it would be more proper (if his Majesty shall be so pleased) by a Special Commissn to his Governor to authorize the Establishmt of such a Court & yr Constitution of yr Chief Baron & other Officers of it

D. Ryder
J Strange
12 June 1728

(Enclosure)

Copy.

George R.

Trusty

Trusty and Wellbeloved We Greet you well, Whereas We have taken into Our Royal Consideration the Integrity and Ability of Our Trusty and Wellbeloved William Smith Esqr Our Chief Justice of and in Our Province of North Carolina in America, We have thought fit hereby to Authorize & require you forthwith to cause Letters Patents to be past under Our Seal of that Our said Province, for constituting & appointing him the said William Smith, Our Chief Baron of Our Court of Exchequer in Our said Province; To have held and enjoy the said Office during Our Pleasure and his Residence within Our said Province, together with all and Singular the Rights Profits Privileges and Emoluments to unto the said Place belonging or appertaining, and for so doing this shall be your Warrant. And so We bid you Farewell. Given at Our Court at St Jamess the Eleventh Day of May 1732 in the Fifth Year of Our Reign.

By His Majtys Command
Signd Holles Newcastle

To Our Trusty & Wellbeloved
George Burrington Esqr Our
Captain General & Governor in
Chief of Our Province of North Carolina

Carolina

Carolina in America, and in
his Absence, to Our Commander
in Chief, or the President of
our Council of Our said Province
for the Time being.

(Enclosure)

Extract of the South Carolina Commission

And We do by these Presents give and grant unto you the said Samuel Horsey full Power and Authority with the advice and Consent of Our said Council to Erect constitute and establish such and so many Courts of Judicature and publick Justice within our said Province and Territory, as you and they shall think fit and necessary for the hearing & determining of all Causes as well Criminall as Civil, according to Law & Equity, and for awarding of Execution thereupon, with all reasonable & necessary Powers, Authorities, Fees and Privileges belonging thereunto, as also to appoint and Commissionate fit Persons in the several parts of your Government to administer the Oaths mentioned in the aforesaid Act, As also to tender and Administer the aforesaid Declaration unto such persons belonging to the said Courts, as shall be obliged to take the same.

(Enclosure)

1734

(Enclosure)

Copy of the 39th Article of the South Carolina Instructions.

39 Whereas it is necessary that Our Rights and Dues be preserved and recovered, And that Speedy and Effectuall Justice be administred in all Cases relating to Our Revenue, You are to take care that a Court of Exchequer be called, and to meet at all such times as shall be needfull; And You are upon your Arrival to Inform us and Our Commissrs for Trade and Plantations, whether Our Service may require that a constant Court of Exchequer be settled and established there.

Recd June 13th } 1734
Read Do do }

B P R O South Carolina B T Vol 9 f 88

(14 June 1738)

(Mr Mc Culloh's Proposals in behalf of Mr Cartwright & his Associates for Settling 200 000 Acres of Land to be granted between the Rivers Santee & Wateree in South Carolina)

That the Petitioner and his Associates are willing to undertake the Settlement proposed in South Carolina on an uncultivated part of the Country between the Rivers Santee and Pedree and the following Conditions.

That they be allowed 200 000 Acres of Land to be Surveyd in four different Parcels of 50 000 Acres each

That these four Parcels be layd out as contiguous as may be but none of them to be at any Greater distance that Ten Miles from some one or other of them.

That these four Parcels so Surveyd be granted by the Governour to Mr Cartwright in such Proportions as shall be required by him but no Proportion to contain less than 12 Acres

That Mr Cartwright do pay no greater Fees than in Proportion to what has been taken on running out the Townships in that Province.

That all the Grants be made by the Governour immediately

immediately upon the return of the Surveys to him and that they do bear equal date with each other.

That the Commencement of the Quit Rents be computed from the Expiration of ten Years from the date of the said Grants which Quit Rent is to be 4d proclamation Money for every hundred Acres included in the said Grants.

That in case any Mines shall be found in the Lands Petitioned for, one fifth part of all Gold and Silver Ore, and one tenth part of the ore of all other Mines and Minerals whatsoever be reserved to his Majesty

for Mr John Cartwright and his Associates
Henry McCulloh

Recd June 11th
Read Do 16th } 1738

B P R O South Carolina B T Vol 9 I 59.

(June 1788)

My Lords

As your Lordships do not approve of that Part of the Proposal in my Petition that regards the Survey of the Lands in running them out into Sixteen different Tracts I have consulted with my Associates and find them willing to undertake the Settlement, & to prosecute it with Vigour provided it is your Lordships Pleasure to allow us to take up the Lands in four different Tracts of fifty Thousand Acres Each, and to Admitt us to take out Separate Grants of Lands in such Proportions as may be most for the Advantage of the Undertaking But no Grant to contain less than Six Thousand Acres.

This Affair will be attended with great Expences, which inclines us to hope that Your Lordships will not insist upon any Conditions that may Clog the Undertaking, particularly in what regards the number of White Persons that is to be Settled on the Lands Petitioned for; the number of People already proposed being more than a Sufficient Security for the Payment of the Quit rents. And when they are Supplyed with a proper number of Slaves to Manure the Lands it will

Answer

Answer all the ends proposed in Settlements of this Nature.

I humbly Submit this to Your Lordships Consideration and am

Your Lordships
most Obedient and most humble
Servant
I Cartwright

June 1730

(Enclosure)

The Method intended to be taken in Settling the Lands Petitioned for on Yabee River in South Carolina.

That houses Should be built for the Reception of those that are transported thither and at first they should be Supplyed with Money at a reasonable Interest to enable them to Carry on their Settlements to Advantage; for by experience it is found that the Land cannot be Cultivated properly in that Climate without Slaves.

That such as are Settled on those terms, Do engage to increase the numbe of their Servants yearly in Proportion to their Ability & the Quantity of Lands they hold and that after they have Cultivated a Sufficient

Quantity

Quantity of Land for to Supply themselves they shd be obliged in Consideration of the Lands granted them to Clear & Fence in, some part of the Lands belonging to the original Grantees.

This Method will answer all the ends Proposed in giving Grants of this nature as the people conditioned for, to be transported to that Province are to be Settled in the Lands they will become a good Security for the Quit rents, and there is no Doubt to be made but that when a Settlement is begun on Properly in the manner proposed, they will draw many of their friends & acquaintance after them, which will be of great Advantage to the Colony & an Increase to the Trade & Navigation of Great Britain

J Cartwright

Read June 21st
Read Ditto } 1738

B P R O South Carolina B T Vol 7 Fo 90

(16th June 1730)

Account of the several Forts in South Carolina, the Guns mounted thereon and how many are said to be necessary to compleat the same

Names of ye Forts	How Situated	Guns Mounted	Guns to be added
Johnson Fort	All the entrance of the Harbour all Charles Towne	5	20
New Fort	All White point upon Ashley River no Guns all present designed for	—	30
Granville Bastion	All the south corner of the Bay of Charles Towne now mounted with	12	3
Craven Bastion	All the North corner of the Bay of Charles Towne	1	1
Courtaine Line	Upon the Bay of Charles Towne and the three Platformes belonging to it	3	17
Hog Island	Upon Hadrels point which comands the Northern branch of ye River leading up from the Bar	—	10
Kinges	New Fort all the mouth of the River entering from the Sea	—	6
	All Port Royall		
Fort Frederick	Where there are Barracks for 100 Men		

mar

	now mounted with onely 6 Small Ship Guns is to be fitted for	—	20. —
Helena's Island	A new fort designed to be built to mount	—.	12. —
Killen Head	Another new Fort which comands the entrance from the Sea	—.	12. —
		27. —	117. —
	By this Account received from Mr Hammerton Secretary to the Province it appears that at present there are mounted onely	27 Guns	
	He says there are in the Province unmounted	45 —	
	Makes in all fitt for use	72	
	N B		
	These were the Guns sent from England (when Coll° Johnson went over Governor) in the year 1782 and are all that the Province ever had given them		

Account

Account of Artillery in South Carolina taken from Capt Sutherland (who Commands Johnsons Fort) the 18th of March 1738/9.

In April 1737 He says there were 28 peices of Canon all of them unserviceable (except two Sakers) being honycombd and under mettall by one third part which in case of Service or use when hot would split. These were bought at Severall times out of the Ships and are of diverse Sorts

Those which were Sent by His Majesty's orders from England are very good Vizt

32 High Culverin of 18 pounders
20 . . . . . 12 Do
20 . . . . . 9 Do
10 Saker & Minion of . . . 6 & 4 Do

72 peices of Cannon being all that ever went from England were sent in the Yeare 1732

From these Accounts the State of the Artillery in South Carolina appeares to be as follows

21 peices of Cannon quite unserviceable being old and of diverse sorts
2 Sakers may be of use, but small
27 Now mounted and fit for service
45 Good but not yet mounted.

95

95 In all
21 - may be deducted as unserviceable
74 Remains fit for use

It is said they have onely 500 Small Armes in the Magazine

Sam[l] Horsey

(Enclosure)

Copy of Receipts given by the Receiver Gen[ll] of South Carolina for the Quit Rents.

South Carolina

Recd this 24[th] April 1731 of A B the Sume of Two pounds four Shillings & Six pence Proclamacon mony being for One Years Quit Rent due to the King and Lord Carteret the 26[th] of march last past for fourteen hundred & fifty Acres of Land Scituated in Colleton County viz 1000 at 4[s], & 450 at 1[s] ff 6[d] Acres.

Recd for the use of His Maj[ty] & Lord Carteret

I. H.

£ 2: 4: 6
5
11. 2. 6 Currency

South Carolina

Recd this 26[th] April 1738 of C D the Sume of Eight pounds Eleven Shillings & four pence Proc[l]: mony

money being for two years Quit Rent due to the King & the Lord Carteret 28th March last past for Eighteen Hundred Acres of Land Situated viz 600 at 1s ℔ Ct in Berkely County & 300 at one penny ℔ Acre Ster. in Craven & 700 at 4s in Ditto

Recd for the use of the Crown & Lord Carteret

I H

£ s. d.
5
2 16 8 Currency

1738	Persons names	No of Acres	Where Situated	Quit Rent Money
April 24	A B	1450	Colleton viz 1000 at 4s & 450 at 1s 2	2 11 6
25	C D	1800	Berkly 600 at 1s Craven 500 at 1d & 700 at 4s 2 years	8 11 8

N B When so entred are Afterwards (every single Persons name) put into an Alphabet with the Folio in the book so entred, which may at once be turn'd to on any Occasion, and which is on every years payment a fresh marked

Recd June 22d } 1738
Read Do }

B. P. R. A. South Carolina (BT.) Vol. 26. p. 264.

Whitehall
June 21st 1698.

To Francis Jane. Esqr.

Sir,

By Order of my Lords Commissioners for Trade & Plantations, I send you an Act passed in South Carolina in August 1731 for Drawing Juries by Ballott and for the Administration of Justice in Criminal Causes &c. which their Lordships desire you to re-consider. I send you likewise the Chief Justice of Carolina's Objections to the Act abovementioned for your Information. I am.

Sr

Your most humble Servt
J. Hill.

B. P. R. A. South Carolina (BT.) Vol. 26. p. 265.

Whitehall,
June 21st 1732

To the Kings Most Excellt Majesty.

May it please your Majesty.

In Obedience to your Mayts Commands, Signifyed to us by Your Order in Council of the 25th of May last, We have

have prepared the Draught of an Instruction for the Trus-
tees of the Colony of Georgia recommending it to them, to
prepare an Act for settling the Indian Trade to the
Mutual Satisfaction and Benefit of the Provinces of
Georgia and So Carolina, and to direct their Commis-
sioners in Georgia to Grant Lycences to such Carolina
Traders who shall apply for the same and bring
Certificates from the Govr and Council of So Carolina
that they are proper to be Lycenc'd and not to levy the
sum of £5 or any part thereof on the said Carolina
Traders; And humbly take leave to lay the same
before Your Majesty, for your Royal Approbation.

Which is most humbly submitted

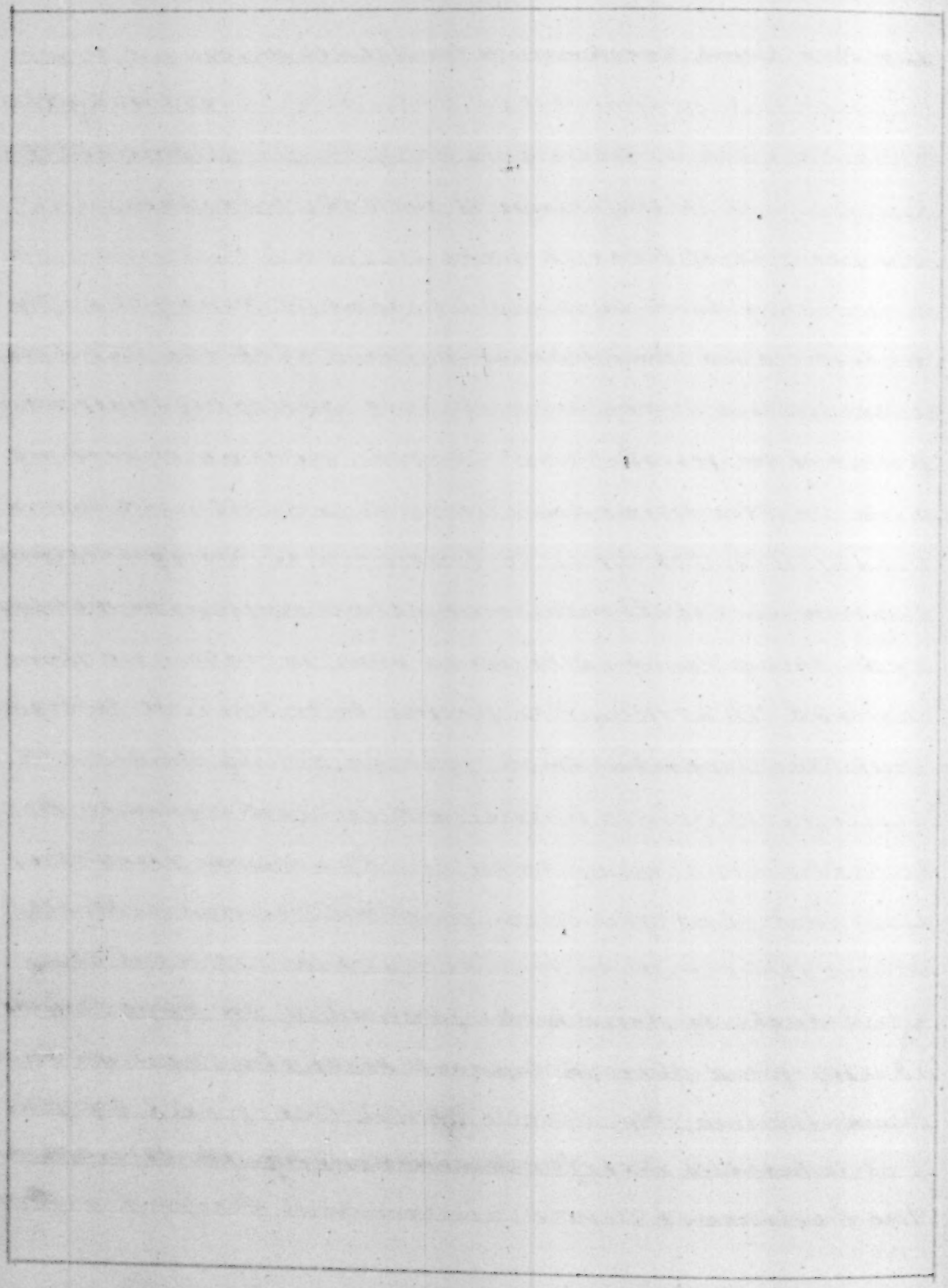
Monson. P. Plumer.

M. Bladen. P. Herbert.

"Instruction to Our Right Trusty and Welbeloved
"the Trustees for Establishing the Colony of Georgia
"in America Given at Our Court at Kensington
"the of 1735 in the twelfth Year of Our Reign"

Whereas several Disputes have arisen between
the two Provinces of South Carolina and Georgia in
relation to the Trade carried on by the said two Pro-
vinces with the Indians, We have taken the same
into

into Our Royal Consideration and do recommend to you to prepare a proper Act or Ordinance for settling that Trade on such a footing as may be for y^e Mutual Benefit and Satisfaction of both the said Provinces. We have at the same time given an Instruction to Our Trusty and Welbeloved Samuel Horsey, Esq^r Our Governor and Lieutenant General of South Carolina to recommend to the Council and Assembly there, to pass a Law for the like Purpose in that Province. and in the meantime it is Our Will and Pleasure, that you direct Your Comissioner in Georgia to grant Licences to all Persons who shall apply for the same and bring Certificates from the Gov^r & Council of South Carolina that they are proper to be Licenc'd to Trade with the Indians, such persons giving reasonable security to demean themselves well towards the Indians in Amity with the Crown of Great Britain, and that you and your Comissioner and all others Concerned do forbear, as it is alledged they have hitherto done to levy the Sum of Fyve Pounds or any part thereof upon any of the Carolina Indian Traders, by Virtue of an Act passid by you, Entituled, an Act for Maintaining Peace with the Indians.



B. P. R. O. South Carolina (B.T.) Vol 2b. n. 269.

Whitehall
June 21st 1738.

To the Kings most Excellt Majesty.

May it please your Majesty

In Obedience to your Majesty's Commands signifyed to us by your Order in Council of the 25th of May last, We have prepared the Draught of an Instruction for your Majesty's Govr of South Carolina, directing him to recommend it to the Council and Assembly of that Province, to prepare an Act for settling the Indian Trade to the mutual Satisfaction and benefit of the Provinces of So Carolina and Georgia, and humbly take leave to lay the same before your Majesty for your Royal Approbation.

Which is most humbly submitted,

In. Bladen. Monson,
R. Plumer. R. Herbert.

'Draught of an Article proposed to be inserted in the 'Instructions given to Samuel Horsey. Esq. Govr of South 'Carolina.

Whereas several Disputes have arisen between the two Provinces of South Carolina and Georgia, in relation to

to the Trade, carried on by the said two Provinces with the Indians. It is Our Will and Pleasure that you recommend it to the Council and Assembly to pass a proper Act for settling that Trade on such a footing, as may be for the Mutual Benefit and Satisfaction of both the said Provinces. We have at the same time given an Instruction to Our Right Trusty and Welbeloved Ys Trustees for Establishing the Colony of Georgia to pass a like Law for that Province, and in the meantime to direct their Commissioner in that Province to Grant Licences to all persons who shall apply for the same, and shall bring Certificates from the Govr and Council of So Carolina that they are proper to be Licenc'd to Trade with the Indians, such persons giving reasonable Security to demean themselves well towards the Indians in Amity with the Crown of Great Britain" and likewise to forbear (as they allege they have hitherto done) to levy the sum of Five Pounds or any part thereof upon any of the Carolina Indian Traders by Virtue of the Act passed by the Trustees for Establishing the Colony of Georgia in America Entituled. An Act for maintaining Peace with the Indians to which Instruction, We doubt not of their paying all due Obedience

B.P.R.O. South Carolina (B.T.) Vol. 26. p. 242

Whitehall.

June 22d 1738

To the Rt Honble The Lords of the Committee of
His Majesty's Most Honble Privy Council.

My Lords,

Pursuant to Your Lordships Order of the 24th of May last, We have had under Our Consideration the humble Petition of John Cartwright in behalf of himself and Several Others praying for a Grant of 200,000 Acres of Land between the Rivers Santee and "Watree" in South Carolina in Order to make a Settlemt thereon of 400 Protestants in the space of ten years from the Date of the said Grant.

We have been attended upon this Occasion by Mr Mc Culloh, Agent for Mr Cartwright who has informed us that the Petitioner and his Associates are willing to undertake the settlement proposed in South Carolina in an uncultivated part of the Country between the aforesaid Rivers under the following Conditions.

That they be allowed 200,000 Acres of Land to be Surveyed in four different Parcells of 50,000 Acres Each.

That

That these four Parcells be Layd out as Contiguous as may be, but none of them to be at any Greater Distance than ten Miles from some or other of them.

That these four Parcells so surveyed, be granted by the Governor to Mr. Cartwright in such proportions as shall be required of him but no Proportion to Contain less than 12,000 Acres, That Mr. Cartwright do pay no greater Fees than in proportion to what has been taxen in running out the Townships in that Province.

That all the Grants be made by the Govr immediately upon the return of the Surveys to him and that they do bear equal date with each other.

That the Commencement of the Quitt Rents be computed from the Expiration of ten years from the date of the said Grants which Quitt Rent is to be fours shillings Proclamation money for every 100 Acres in the s.d Grants.

That in Case any Mines shall be found in the Lands petitioned for ½ part of all Gold and Silver Ore, and ½ part of the Ore of all other Mines or Minerals whatsoever be reserved to his Majesty.

We must upon this Occasion beg Leave to

obserue

observe to your Lordships that although the Quantity of Land proposed to be settled in this manner is very great, amounting to the proportion of 500 Acres for each person designed to be settled thereon, yet considering Mr Cartwright and his Associates propose not only to transport the said 400 Persons at their own Expence, but to provide every other thing necessary for them, and that they will not make the settlement on other Terms; And as an undertaking of this Nature would be advantageous to the Province, where there are vast Tracts of Land not yet Cultivated and such settlemt will increase the Quit Rents and be the means of improving the Trade of the said Province, We must submit it to your Lordships whether it may not be for his Majestys Service to Comply with the prayer of the said Petition on the foregoing Conditions; Except as to the payment of Fees, which We think should be after the usual Rate; and in Case his Majesty should be graciously pleased to approve of these Conditions, That the Govr of South Carolina should be instructed to grant Mr Cartwright and his Associates, the Lands he Desires in the manner abovementioned, and to take Care in the Grants to be made for this Purpose, that

No

no part thereof be already granted to any other Person and that he do insert a Clause in the said Grants to make the same Void, as to so much of the said Lands, as shall not be settled within the space of ten Years, according to the Proportion of one white Person for each 500 acres of Land with a proviso that till such time as the Crown, shall think fit to resume the said Lands as forfeited, for want of being so settled within the said Term of ten years, the Grantees be obliged to pay the Quitt Rent for the same. We are,

My Lords, &c,

Monson

R. Plumer

M. Bladen

L4.

B. P. R. O. South Carolina (B.T.) Vol 26. p. 279.

Whitehall
July 6th 1738

To the Kings Most Excellt Majty

May it please Your Majesty

Your Majesty having been graciously pleased in your Instructions to Robt Johnson Esqr. late Govr of South Carolina, to permit him to give his assent to an Act or Acts, "for the establishing a Paper Currency upon such a Foot, as might best answer the Necessities of the Province and be most Conducive to the Publick Utility thereof, taking care that a Clause should be inserted therein to suspend the Execution thereof until Your Royal Pleasure should be known thereupon". Pursuant to this Instruction Colo Broughton (Your Majesty's late Lieut Govr of the said Province who commanded in Chief there some time after the Death of the said Govr Johnson) did in the Month of May 1736 pass an Act Entituled An Act for Stamping, Emitting and making Current the Sum of £210,000 in papers Bills of Credit &c for ascertaining, and preserving the future Value thereof to be Let out at Interest on good Securities at 8 p Cent p Ann. and for exchanging the Papers Bills

of

Credit in this Province, and making them Less subject to be Counterfeited, and also to encourage the Importation of Silver and Gold Coin into this Province; wherein there is a Clause to suspend its Execution until Your Majesty's Pleasure shall be known thereon.

We have considered the said Act and have had the Opinion of Mr Jane, one of Your Majestys Council at Law thereon, and also Consulted several Eminent Merchants and Planters of and Traders to Carolina and humbly take Leave to Represent to Your Majty

That the Genl Purport of the Act appears to us to be agreeable to Your Majesty's foresaid Instruction and has many good Clauses and Provisoes in it. But there are some particulars therein to which We have Objections;

There is a Clause directing the Treasurer to discount or allow 10. p Cent on all Duties inwards, which shall be paid into the Treasury in Silver or Gold which is evidently against the Intention of the Proclamation published by her late Majesty Queen Anne the 18th of June 1704. which was enacted into a Law in 1707. to prevent the drawing Money from one Colony to another by setting an unequal

Value

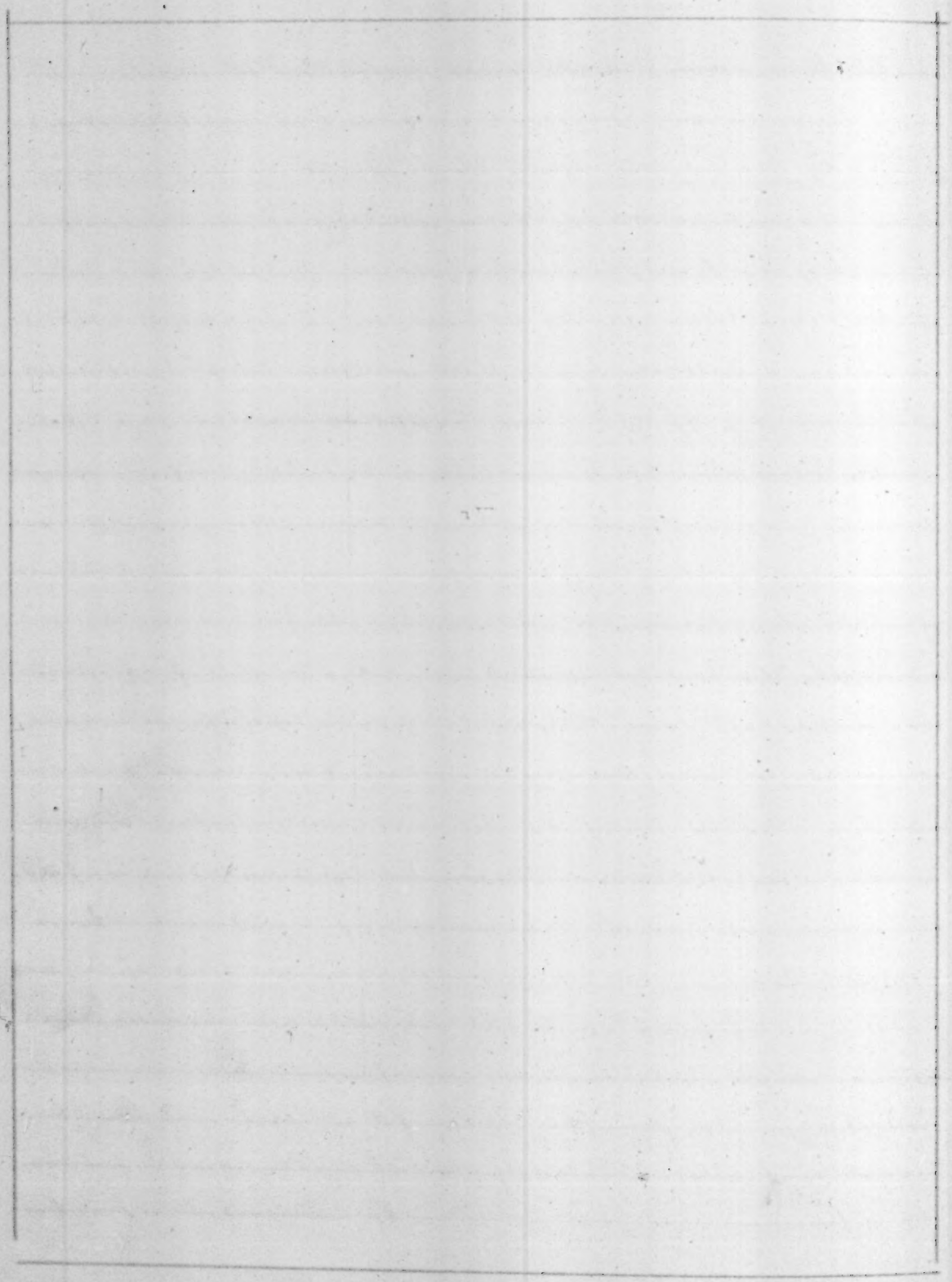
Value thereupon, to the great prejudice of Trade.

There is a provision in this Act for creating a Security for an old Debt of £100,000 in Paper Money now Current in that Province out of the Interest arising by the Loan of £110,000 part of the New Bills, but there is no Clause in it to oblige the Borrowers to repay any part of the Principal towards the sinking of the said Bills, which in our Opinion ought to have been provided for by gradual payments Annually, and should have commenced at least upon the Acquisition of a Suffecient Fund for the discharge of the old Debt.

We do not therefore lay this Act before Your Majesty for Your Royal Approbation, but humbly propose it may Lye by, and that the Govr now going thither may be Instructed to recommend to the Council and Assembly the passing another Law for the same Purpose not Lyable to these Objections.

Which is most humbly Submitted.

Monson.
M. Bladen.
R. Plumer
R. Herbert Esq.



B P R O. South Carolina B T Vol 9 Fol

(11th July 1735)

Sir

Having Since my Letter to you a Tuesday, not only Sam. Mr Bragg, and Several other Traders of London & Carolina, and had their Directions to move the Lords Bd that their Lordships would be pleased to make a Report on the Petition of the Merchants referred to them by the Lords Committee of Council for Plantation Affairs against the Act for Emitting £210000 Paper Money in Carolina; but also received a Letter from Bristol, wherein they write me, "That they have expected for some time past to have heard from me the Result of the Lords Consideration on the said Act for Emitting £210000 Paper Money and desiring my Sending them an Account of the same as soon as I can. I am to beg you will be so kind as to move their Lordships the first Board Day, to make their Report on the said Petition against the said Act, and at the same time to acquaint their Lordships, That, as in the Course of some Years past, the Traders concern they have shewn, by Papers on their Lordships Office, the fatal Effects which the issuing of Paper Bills of Credit, and the imposing of Duties on Negroes are to the Trade of this Kingdom,

and

and the better settling of the Colonies, they must esteem themselves very unfortunate, should, at this Time, the Reasons they have suggested, on either Head, be judged not of any Consideration; as it is, truly a very sensible Concern to them to be informed, that other Reasons against the said Act for Emitting £210 000 were expected from them, at their late Attendance on their Lordships, than those they had before given in, against Paper Money in General, and this Act in particular; And have only to assure you, that I have never either wrote you or Mr Popple, one Letter, or laid one Paper before the Lords, relating either to Duties on Negroes or Paper Money, which was not done by the Direction and with the Approbation of some of the Traders immediately Concerned; Nor do I know any one Person, either at London, Bristol or Liverpool, Trading on his own Account to Carolina, either directly or by the Way of Africa, that is not an humble Suitor to his Majesty not only That Mr Nassy may be Instructed not to pass any Law, either for Creating and Issuing any New Bills of Credit, or for the Continuance of any Duties on the Importation of Negroes into Carolina; but that the said Act for Emitting £210 000 may have his Majestys Royal Disapprobation.

I

I am

Sir

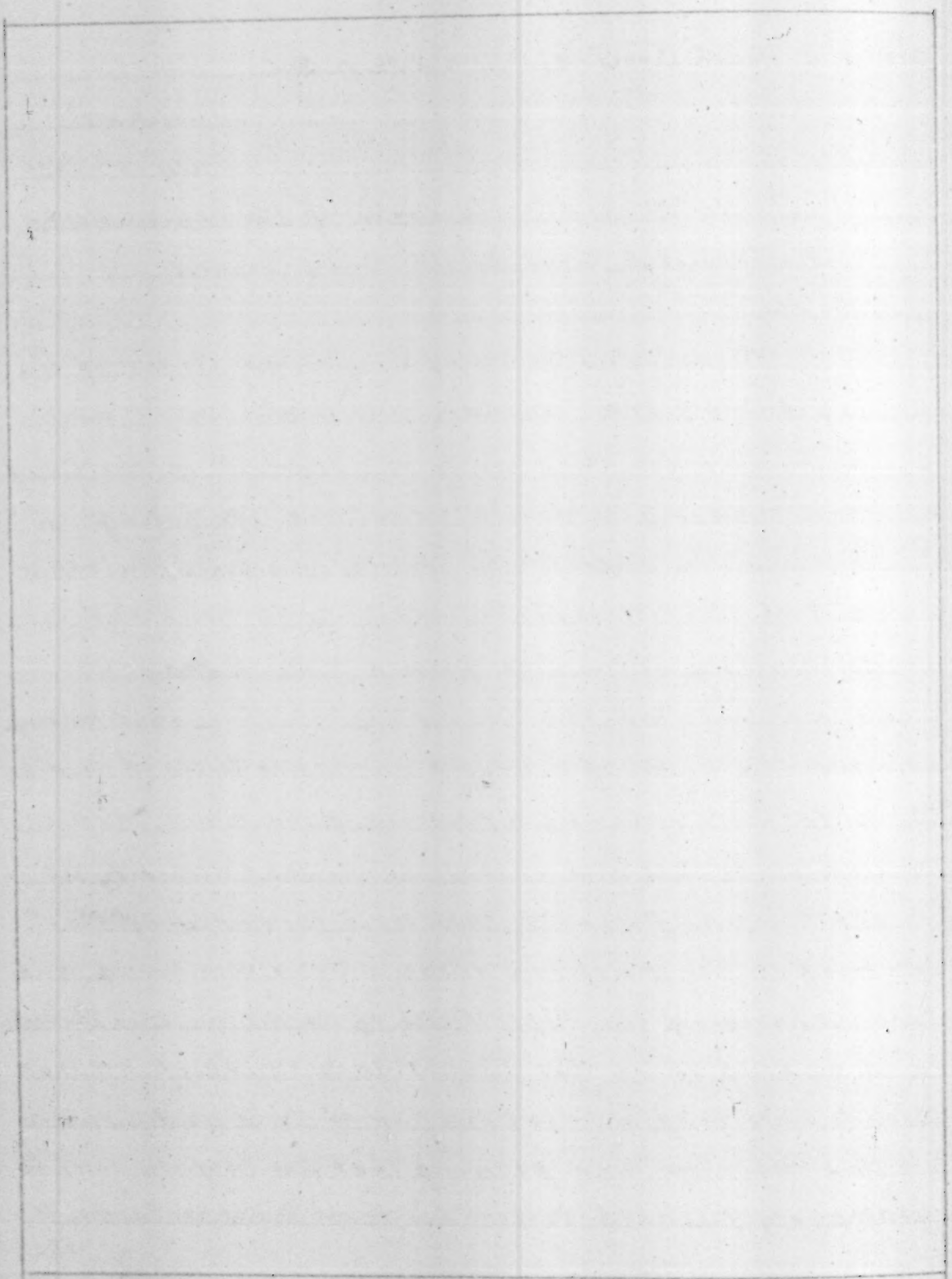
Your most humble Servant

Thomas Hill Esq^r

Wm Read

Whitehall July 11^th 1738

Rec^d July 11^th
Read 2^d 12 } 1738



B.P.R.O. South Carolina (B.T.) Vol. 26. p. 285.

Whitehall
July 13th 1738.

To the Rt Honble the Lords of the Committee of
His Majesty's most Honble Privy Council.

My Lords.

Pursuant to your Lordships Order of the 4th day of Febry 1736 We have taken into our Consideration the humble Petition of the Merchts of the City of London trading to South Carolina, in behalf of themselves, the Merchts of Bristol, and all the other Merchts of this Kingdom trading to that Province complaining of an Act passed there in May 1735 Entituled, An Act for Stamping, emitting and making "Current the Sum of £210.000 in paper Bills of Credit "and for ascertaining & preserving the future Value "thereof to be Lett out at Interest on good Security at "Eight Pounds p Cent p Ann. and for applying the "Interest to the purposes therein after mentioned, and "for exchanging the Paper Bills of Credit in this Province "and making them less subject to be Counterfeited, and "also to encourage the Importation of Gold and Silver in- "to this Province, and praying that his Majesty will be graciously pleased to give his royal Disapprobation to the

the said Act.

We have been attended on this Occasion at different Times, by several Merchants and Planters of, & Traders to Carolina, as well as by the Agent of that Province, and having heard what has been offered for and against the said Act, take leave to acquaint your Lordships that the General purport of the Act appears to us to be agreeable to his Majesty's 31st general Instruction given to Robt Johnson Esq. late Govr. of Sth Carolina, and has many good Clauses & Provisoes in it. But there are some Particulars therein to which We have objections.

There is a Clause directing the Treasurer to discount or allow 10 p Cent on all Duties inwards, wch shall be paid into the Treasury in silver or gold which is evidently against the Intention of the Proclamation published by her late Majesty Queen Anne, the 15th of June 1704. which was enacted into a Law in 1707 to prevent the drawing Money from one Colony to another, by setting an unequal Value thereupon to the great Prejudice of Trade.

There is a Provision in this Act for creating a Security for an Old Debt of £100.000, in paper Money now Current in that Province, out of the Interest arising by the Loan of £110.000 part of the new Bills

but

but there is no Clause in it to oblige the Borrowers to pay any part of the Principal towards the sinking of the said Bills, which in our Opinion ought to have been provided for by gradual Payments annually, and should have commenced at least upon the Acquisition of a sufficient Fund for the Discharge of the old Debt.

We have not therefore laid this Act before His Majty for his royal Approbation but only proposed that it might lye by, and that the Govr now going thither may be instructed to recommend to the Council & Assembly the passing another Law for the same purpose not Liable to these Objections We are.

My Lords,

Your Lordships

Most Obedient & most humble Servts

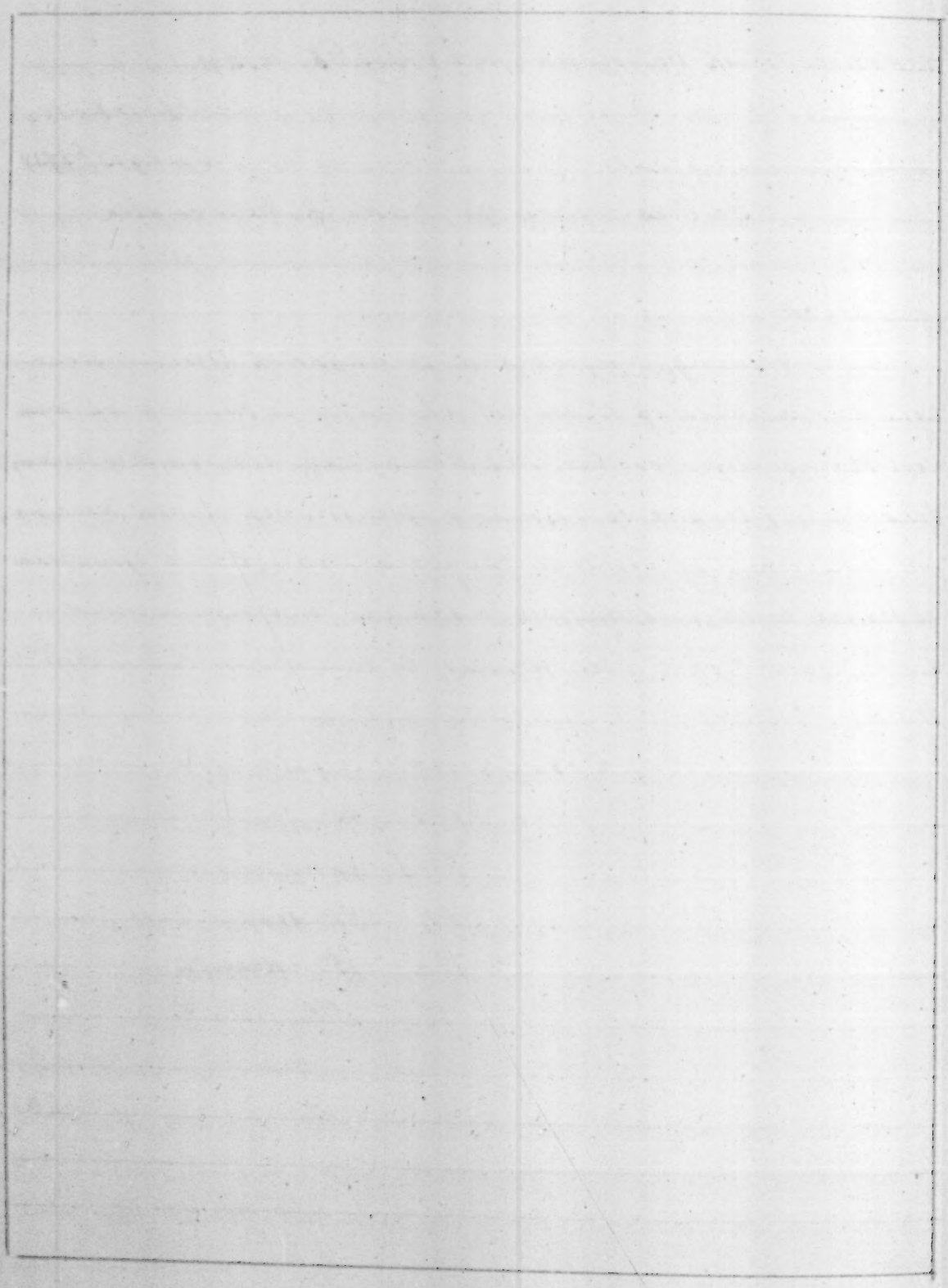
Monson.

M. Bladen.

Ja. Brudenell.

R. Plumer.

E y.



B. P. R. S. South Carolina (B.T.) Vol. 26. p. 291.

Whitehall,
July 13th 1732

To his Grace Ye Duke of Newcastle.

My Lord.

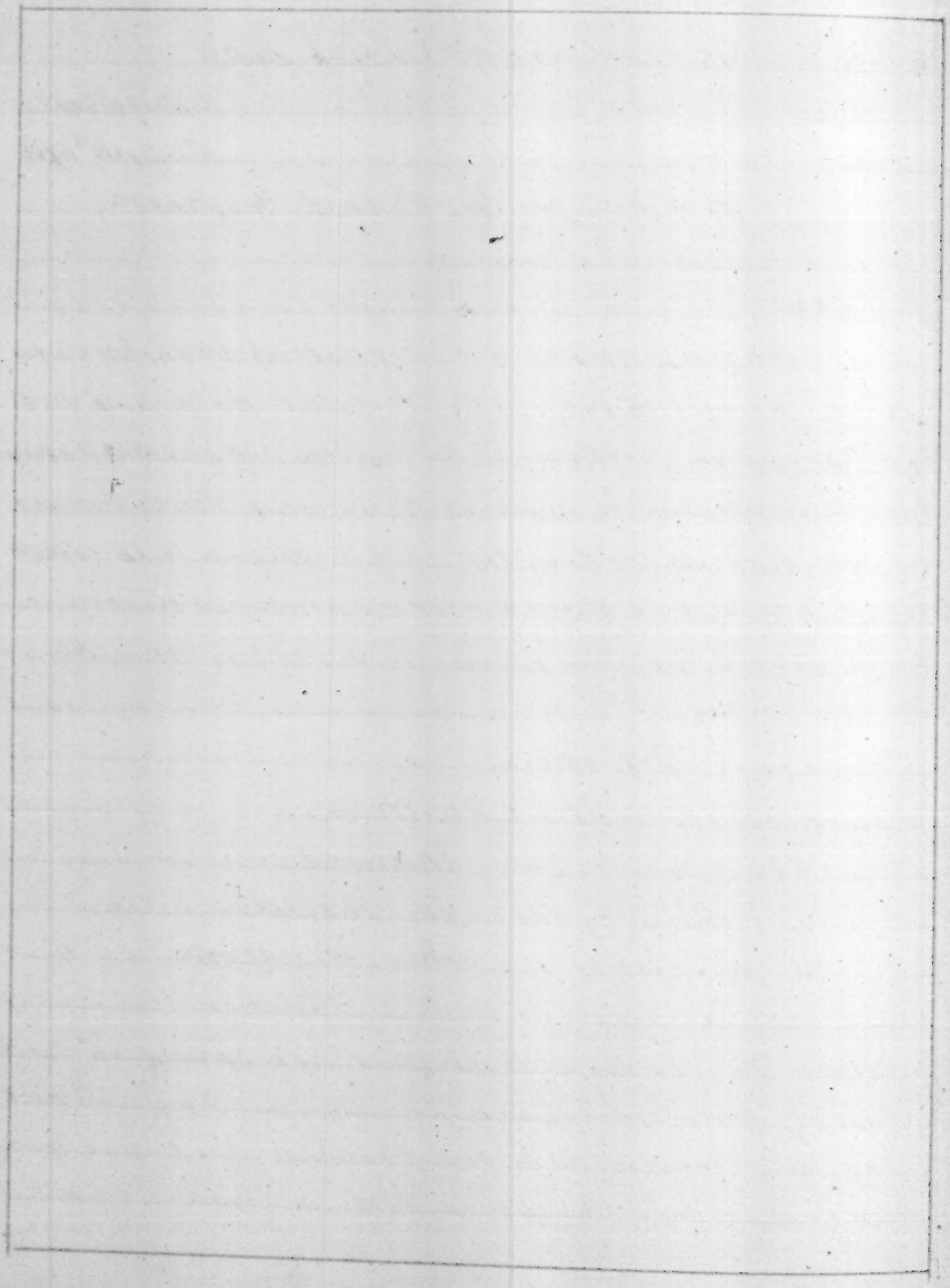
Having prepared a Draught of Gen.l Instructions as likewise of those which relate to the Acts of Trade and Navigation for Samuel Horsey, Esq., whom His Majesty has been pleased to appoint Governor of South Carolina We take leave to inclose the said Draughts to Your Grace together with our Representation thereupon, and to desire, Your Grace will please to lay them before His Majesty. We are,

My Lord

Your Graces, &c,

Thonson.
M. Bladen
Ja Brudenell
R. Plumer.

Ed.



B. P. R. O. South Carolina (B.T.) Vol. 26 p. 292.

Whitehall.

July 13th 1738.

To the Kings most Excellent Majesty.

May it please Your Majesty.

In Obedience to Your Majtys Commands signified to us by his Grace the Duke of Newcastle's Letter of the 3d of March 1737/8. We have prepared the draught of Genl Instructions as also of such Instructions as relate to the Acts of Trade and Navigation for Samuel Horsey, Esqr, whom Your Majesty has been pleased to appoint Lieut Genl and Govr of South Carolina in which We have made no alterations nor Omissions from such Genl Instructions as Your Majesty has already approved to the late Govr of this Province excepting in the following Articles, save only that We have transposed some of them, in order to bring all that are relative to the same Subject together.

The purport of the 28th Article of the late Govrs Instructions, was to allow the Assembly to divert certain Funds from their first Appropriation for the Term of Seven Years, for the encouraging and settling new Comers into the Province, and that Instruction having been Complied with, We have now omitted it.

An

An Act having been passed for the purposes mentioned in the 21st Instruction to Colo Johnson for the emitting of paper Money. We have thought fit to omit the said Instruction, altho' We have some Objections to the Act, as may appear by Our Representation to Your Majesty thereupon dated the 6th Instant.

In the 43d Article to Goor Johnson, relating to the settling 11 New Townships, for securing the Frontiers of the Province, two of them were directed to be settled on the rivers Alatamaha, but the said Rivers being now included in the Province of Georgia, they are omitted in this Article and the Number of Townships reduced to Nine. We have added the 48th Article to make those Instructions agreeable to the Commissions given by Your Majesty to Colo Oglethorp and to Colo Horsey.

The 106th Article to Goor Johnson about re establishing a Fort on the Alatamaha River is omitted because the said River is now included in Georgia.

The 108th Article in these Instructions is framed agreeable to three several additional Instructions given by Your Majesty to the late Goor and Lieut Goor of this Province, in relation to the settlement of a Township by Colo Purry which We have inserted

ed in pursuance of an Order of the Lords of the Committee of Council dated the 27th of May last.

The Draught of Instructions relating to the Acts of Trade and Navigation as the same as Your Majesty has already approved to other Your Majesty's Govrs in America.

Which is most humbly submitted

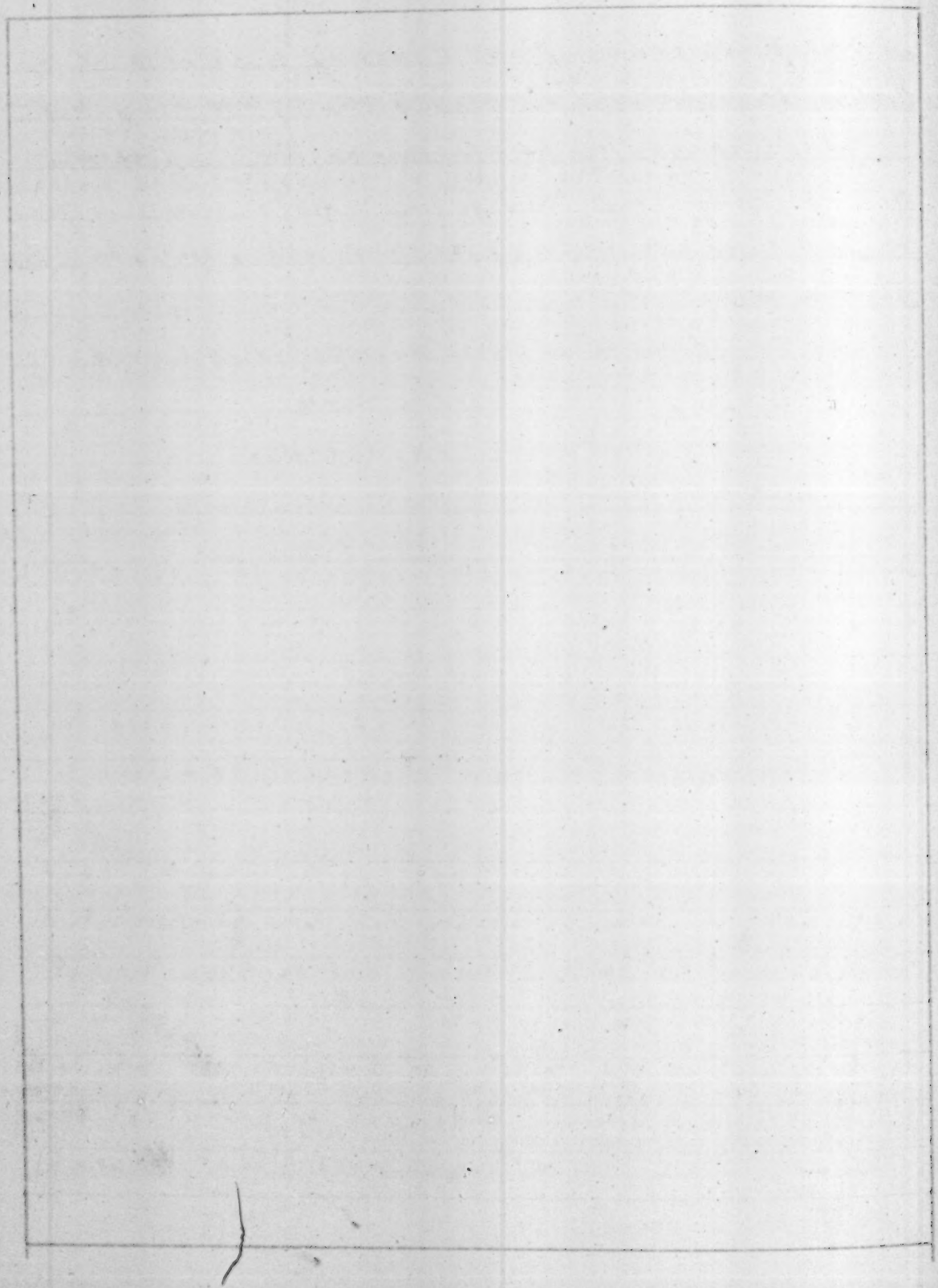
Monson

Jn Bladen

Ja: Brudenell

R Plumer

&c.



B.P.R.O. A & W.I. Vol. 19 p. 92

(14 July 1738)

To His Grace the Duke of Newcastle. His Majesty's Principal Secretary of State.

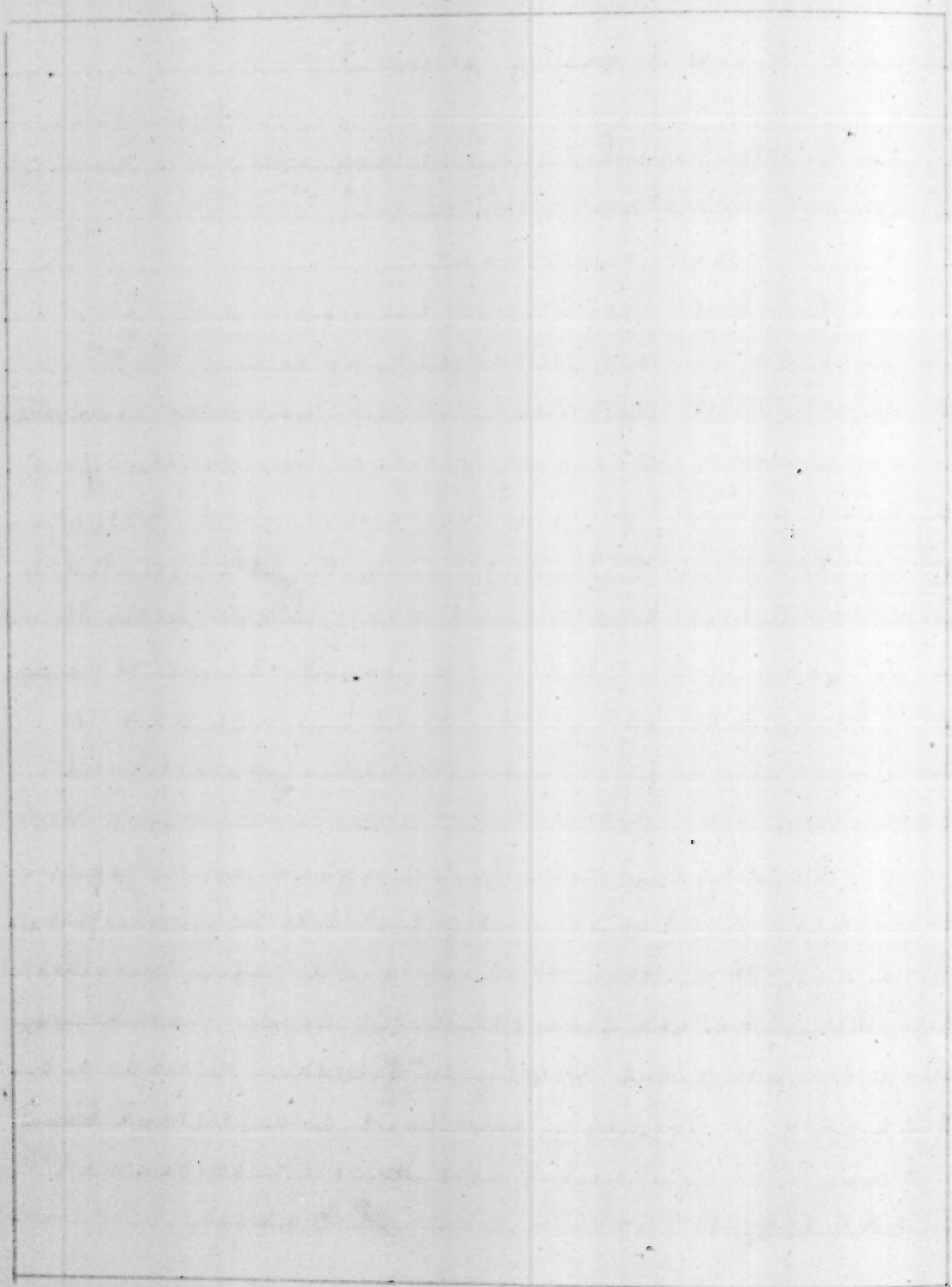
My it please Your Grace,

The late Lieutenant Governour of South Carolina being dead, since your signifying to him the 11th of October last the agreement for my receiving from the Province of South Carolina £1450 for the charge of victualling the German Passengers and the Detention of the Ship Three Sisters at Cowes (tho it amounted to a much larger sum) and £5.5 p head for the freight of so many of the said Germans as should be landed at Charles Town, out of the Fund appropriated for the Encouragement of poor Protestant Families to settle there.

I humbly beg your Graces signifying the said agreement to Samuel Horsey Esqr who is appointed Governour of the said Province and to whom General Oglethorpe has communicated the same, that he may be duly authorized thereby in directing the same to the Council and Assembly pursuant to the Intent thereof

I am your Grace's most Obedt Servant

14th July 1738. J. Wragg



B.P.R.O. So Carolina B.T. Vol. 10. 54

(20th July 1738)

At the Court at Kensington
the 20th day of July 1738.
Present
The King's most Excellent Majesty
in Council

Whereas John Cartwright hath presented a humble Petition to His Majesty at this Board on behalf of himself and several others setting forth that there are great Tracts of Land in His Majesty's Colony of South Carolina uncultivated and particularly between Santee and Watree Rivers wherein few or no Settlements have been made till within these Eight years and that even those are at present very inconsiderable; that if the same were cultivated and Improved they might be rendered greatly Advantageous to this Kingdom in the Production of Hemp, Pitch Tarr and other kind of Naval Stores, with which the English Merchants are now Supplyed from the Baltick at an Expence of near Two hundred and Fifty thousand Pounds a Year paid in Ready money And therefore humbly praying that a grant of Two Hundred Thousand Acres of Land may be made to him and his Associates between the

the aforesaid Rivers of Santee and Watree and proposing to make a Settlement thereupon under the several conditions and Provisoes contained in the said Petition.

His Majesty this day tooke the same into consideration together with a Report of the Lords Commissioners for Trade and Plantations and also of a Committee of the Lords of His Majestys most Honourable Privy Council thereupon and being inclined to give all fitting Encouragement for the Settling of Lands in the said Province is hereby pleased with the advice of His Privy Council to Order that the Surveyor General of the Lands in South Carolina or his Deputy do Survey and lay out for the Petitioner and his Associates the said Two hundred Thousand Acres of Land between the Rivers Santee and Watree in four different Parcells of Fifty thousand Acres each And that the said four parcells be laid out as contiguous as may be but none of them to be at any greater distance than ten miles from some or other of them Provided the said Land be not already granted to any other Persons and that the Petrs do pay the usual Fees for Surveying and Setting out the same. And His Majesty doth hereby further Order that the Governor or Commander in Chief of South Carolina for

the

the time being to pass Grants under the Seal of the said Province to the Petitioner and his Associates of the said four Parcells of Land in such Proportions as they shall require of him but no Proportion to contain less than Twelve thousand Acres and that all the said Grants be passed immediately upon the return of the Surveys made to the said Governor or Commander in Chief and do bear equal Date with each other provided the said Land be not already Granted to any other Persons And Provided also that the said Petitioner and his Associates do pay the usual Fees for passing the said Grants — And do settle on the said Lands One Thousand Protestants within the space of Ten Years from the Date of the Grants And that at the expiration of that Term they do pay a Quit Rent of Four shillings Proclamation Money for every one Hundred Acres contained in the said Grants And that in case any Mines shall be found in the said Lands One fifth part of all Gold and Silver Ore and one Tenth part of the Ore of all other Mines or Minerals Whatsoever be reserved to His Majesty —

And His Majesty doth hereby further Order that a Clause be inserted in the said Grants to make the same void as to so much of the said Lands as

as shall not be Settled within the space of Ten years according to the Proportion of one White Person for each two hundred acres of Land with a Promise that till such time as the Crown shall think fit to resume the said Lands as forfeited for want of being so Settled within the said Term of Ten years the Grantees may be obliged to pay the Quit Rent for the same Whereof as well the Governor or Commander in Chief of South Carolina for the time being as likewise the Surveyor General of the Lands in that Province for the time being or his Deputy and all others whom it may concern are to take notice and Govern themselves accordingly. —

a true Copy
Ja. Vernon.

Rec.d May 8th
Read June 8th } 1739

B. P. R. O. So. Carolina B. T. Vol. 10. G. 8

(20th July 1738.)

At the Court at Kensington
the 20th July 1738
Present
The King's Most Excellent Majesty
in Council

Upon reading this Day at the Board a Report of the Lords Commissioners for Trade and Plantations dated the 21 of last month upon the Draught of an Article proposed to be inserted in the General Instructions for the Governor of South Carolina directing him to recommend it to the Council and Assembly of that Province to prepare an Act for settling the Indian Trade to the Mutual Satisfaction and benefit of the Provinces of South Carolina and Georgia His Majesty taking the same into his consideration was pleased with the Advice of His Privy Council to approve thereof and to Order as it is hereby Ordered that an Article Be inserted in the said Governors General Instructions according to the said Draught which is hereunto annexed

Recd May 9th 8th
Read June 8th } 1739

A true Copy
Ja. Vernon

B.P.R.O. So Carolina B.T. Vol 10 G.9

(20 July 1738)

At the Court at Kensington
the 20th July 1738
Present
The Kings most Excellent Majesty
in Council

Upon reading this day at the Board a Report of the Lords Commissioners for Trade and Plantations dated the 21st of last Month humbly Offering to His Majesty for His Royal Approbation a Draught of an Instruction for the Trustees of the Colony of Georgia recommending it to them to prepare an Act for Settling the Indian Trade to the Mutual Satisfaction and benefit of the Provinces of Georgia and South Carolina and to direct their Commissioner in Georgia to Grant Licenses to such Carolina Traders who shall apply for the same and bring Certificates from the Governor and Council of South Carolina that they are proper to be Licensed and not to levy the sum of five pounds or any part thereof on the said Carolina Traders His Majesty this day took the said Report and Draught of Instruction into His Royal consideration and was pleased with the advice of his Privy Council to

to approve of the said Draught of Instruction which is hereunto annexed And to Order as it is hereby Ordered that His Grace the Duke of Newcastle One of His Majestys Principal Secretarys of State Do cause the same to be prepared for His Majestys Royal Signature

a true copy
Ja: Vernon.

Recd May 8th
Read June 9th } 1739

B.P.R.O. So Carolina B J. Vol. 10 G. 10

(20th July 1738)

At the Court at Kensington
the 20th July 1738
Present
The King's most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 5th of this Instant in the words following Viz.t

"Your Majesty having been pleased to refer unto "this Committee a Representation from the Lords Com- "missioners for Trade and Plantations upon the Draught "of a Commission prepared by them for Samuel Horsey "Esqr. to be Governor in Chief and Lieutenant General "in and over your Majesty's Province of South Carolina "in America. The Lords of the Committee have taken the "Representation and Draught into consideration and "their Lordships conceiving that some Doubts might "arise on the Construction of the said Commission to "be granted to the said Mr. Horsey and that some part "of it might seem to interfere with Your Majesty's "Commission appointing James Oglethorpe Esqr. to be

General

General and Commander in Chief of Your Majesty's Forces in South Carolina and Georgia. Their Lordships did therefore think proper to refer the said Draught of a Commission to Your Majesty's Attorney and Solicitor General who having made their Report to the Lords of the Committee thereupon, Their Lordships do agree humbly to offer to Your Majesty as their Opinion that these words. Viz.t [Subject nevertheless to such Orders and Directions as you shall receive at any time from Us or from James Oglethorpe whom we have appointed Our General and Commander in Chief of Our Forces in Our Provinces of South Carolina and Georgia] should be left out of the said Draught and instead thereof the following words inserted Viz.t [Subject nevertheless to such Orders and Directions as you shall receive at any time from us, and so as not to interfere with or Derogate from the Powers and Authority Granted by us to James Oglethorpe Esq.r whom we have appointed our General and Commander in Chief of Our forces in our Provinces of South Carolina and Georgia] As to the other Clauses of the Commission their Lordships have no Objection to Your Majesty's approving thereof in regard they are the same with those given to Colonel Johnson the last Governor of

that

That Province and that they did not appear to your Majesty's Attorney General and Sollicitor General to interfere or be inconsistent with the Powers Granted by Your Majesty's Commission to the said Mr Oglethorpe

His Majesty this day toote the same into his consideration and was pleased with the advice of his Privy Council to approve of the said Draught of a Commission together with the Alterations proposed to be made therein by the said Report And to Order as it is hereby Ordered that His Grace the Duke of Newcastle One of His Majesty's Principal Secretarys of State do cause a Warrant to be prepared for his Majesty's Royal Signature in order to pass the said Draught of a Commission with the said Alterations under the great Seal of Great Britain

a true Copy
W Sharpe

Recd May 8th
Read June 8th } 1739

B.P.R.O. B.T. So Carolina Vol II. f 33 + 34

(20th July 1738)

At the Court at Kensington
the 20th of July 1738
Present

The Kings most Excellent Majesty in Council

Whereas there hath been presented to His Majesty at this Board the humble Petition of Sebastian Zouberbuhler of the Canton of Appenzell in Switzerland Setting forth that he has made a Contract with the Council of South Carolina for settling a Township up the River Savannah on a place formerly an Indian Village then called Savannah Town, at present New Windsor, and for bringing over one hundred Protestant Familys in the Space of one year with a further Promise to bring over two hundred Familys more after the first Hundred shall be Settled and able to Subsist themselves and humbly praying as an Encouragement for his said undertaking, that His Majesty will be Graciously pleased to grant unto him and his Assigns Forty eight thousand Acres of Land, half of them within six miles of the said Town called New Windsor, and the other half contiguous to the said Six Miles with a particular Order for

the

the said Land to be marked out before the first of October then next ensuing (being the time limited by the said Contract) with an Exemption of Quit Rents for the first ten years and further praying that his Majesty will be pleased to order His Governor of South Carolina to recommend to the Assembly of that Province that the sum of two thousand Eight hundred Pounds Carolina Currency may be given to him (as was done to Colonel Purry upon making a like Settlement) that he may be the better enabled to perform his undertaking with all possible Speed. His Majesty this day took the same into his Consideration, together with a Report of the Lords Commissioners for Trade and Plantations and also of a Committee of the Lords of his Majesty's most Honourable Privy Council thereupon, Whereby it appears that the Petitioner did propose to the Lieutenant Governor and Council of South Carolina to bring over one hundred Protestant Swiss Familys within the space of one year. Provided that one Years Provision with the necessary Cattle and Tools might be allowed to the said Familys at their arrival, in the same manner as was granted to the People transported by Colonel Purry and Provided that Lands might be

set

set out and reserved for the said Familys - And that thereupon the said Lieutenant Governor and Council granted the Prayer of this Petition and allotted the Township of New Windsor formerly called Old Savannah upon the Savannah River, for the Reception of the said one hundred Familys, and limited the time, in which the Petitioner was to fullfill the Terms of his Proposal to October 1737; that the Petitioner likewise promised to bring over two hundred Familys more when the said One hundred Familys should be Settled and able to subsist from their own Product. And that the Petitioner declares he hath already sent over to the said Province fifty Familys in part of the aforementioned one hundred Familys - His Majesty being inclined to give all due Encouragement to the Petitioner to carry on the said undertaking is hereby pleased with the Advice of His Privy Council to Order and Require the Surveyor General of His Majestys Lands in South Carolina or his Deputy forthwith to survey and lay out for the Petitioner the Forty eight thousand Acres of Land Prayed for, one half thereof within the Six Miles to be reserved round the Township where the said one Hundred Familys are to be settled and the other half contiguous thereto, Provided the

said

said Land be not already granted to any other Persons And His Majesty doth hereby further Order and Direct that the Governor or Commander in Chief for the time being of South Carolina do grant to the Petitioner The forty eight thousand Acres of Land prayed for, free of Quit Rents for the first Ten Years, Provided the said Land be not already granted to any other persons; But that no more of the said forty Eight thousand Acres be Granted to him before his completion of his proposals, than in proportion to such part of the one hundred Familys which he shall from time to time Transport thither, and which are to consist of Six hundred People including the Fifty Familys which the Petitioner alledges to have already sent over to that Province And His Majesty being informed that the Petitioner hath been some time in England, and thereby prevented from transporting all the said Familys within the time contained in the Proposal which he made to the Council of South Carolina. - Is therefore hereby pleased to allow the Petitioner two years from October next for his performing the same; and his Majesty is hereby further pleased to Order, that the Governor of the said Province do reserve the said Township of New Windsor for two Years to Commence from

from the said Month of October for the Settlement only of such Persons as shall be introduced by the Petitioner Whereof as well the said Governor or Commander in Chief of South Carolina for the time being as all others whom it may concern are to take notice and Govern themselves accordingly

A true Copy
W Sharpe

Recd
Read } Octr 15th 1741

(My packet 6 Letter from BJ 30 Oct 1738

B.P.R.O. A-N.J. Vol. 19 p. 93

Charles Town the 20th July 1738

My Lord,

I beg leave to lay before Your Grace a short Account of an Affair which I apprehend to be of Great Consequence and Advantage to His Majestys Service in these Frontier parts of his Dominions

The Nation of Chactaw Indians who live on the N. E. side of the Mississipi River near the Mouth consists of 46 Towns, in which according to the best information are contained above 16,000 Men which far exceeds the number of all the other Tribes of Indians in Amity with this Government. They have hitherto been in the Interest of the French, but have lately sent several Messengers to this Government to propose and desire a Friendship & Commerce with the English

The First Messenger arrived here about the end of May last, and after they had delivered their Message which seemed to Import so great Advantages to His Majesty's Subjects on this part of America, nothing was omitted which might inspire them with Notions of His Majesty's Grandeur and Power, and the Plenty of Goods which they might expect among them while they continued in Friendship with the English.

In

In their Conference they Expreat great Satisfaction to find by their Reception and Entertainment that the English were so different from what they were represented to be, by the French, which they said their Nation would now be Sensible of by the Presents that were given them, with which they went away well Satisfied.

Soon after their Departure arrived other Messengers on the same Errand but from a different part of the Nation, these were treated in the same manner as the former. In their Conference they took notice that several of their Head Men were still in the Interest of the French who oppose their having any Commerce with the English and therefore it was necessary when they got home, for some of these to come and visit this Government also, that they might likewise be convinced how much it would be for the Benefit of their Nation, to be at Peace and have a Trade with the English.

And here I beg leave further to Observe to your Grace that if a Peace and Commerce can be effected and maintained with the whole Chactaw Nation, How great an Addition of Strength His Majestys Subjects will have to withstand their Enemys, as well as the enlarging and extending of the Trade for Skins and Furs which may in a little time require double the Quantity

of

of British Goods, such as Duffils Strouds Broadcloth Guns, Powder Bullets &c to supply that Numerous People: And besides these Advantages in case of a War with the French they can have no Assistance from the Chactaws against the English on whom they must Depend for a Supply of all necessarys, and in all Probability the Chactaws on the Southern Frontier will be of much more Service to His Majesty than the Senecas on the Northern because the French at Canada have Tribes of Indians which may set them nearly upon a Par with the English and Senecas, But the French at Mobile and near the Mississepi River have no other Indians but the Chactaws whom they could make use of against the English and the Indians in Amity with them. As for the Indians called the Blew mouths who live to the Westward of the Mississipi, they are in Amity with the Chactaws and will be influenced by them and it is likely will follow their Example. But if not they are so remote that at Present we can apprehend no danger from them. Your Grace will immediately observe that the Chactaws by their Situation if they are gained from the French will be able to cut off all Communication between Canada and Louisiana.

But

2 111

But as an Officer of Such Importance will be attend-
-ed with Considerable Expenses and other Difficulties to
be Provided against especially as many of the
Chactaws are yet inclined to the French who will if
possible prevent the Success of this undertaking which
I have the Honour to lay before your Grace, I there-
-fore beg your Grace will please to signify your
Opinion and Directions for our Conduct in this Affair
and whether upon an application to His Majesty a
Bounty might be obtained for the Chactaws as is
allowd yearly to the Senecas Your Grace will please
to Consider that besides such an Assistance
from His Majesty this Province must be at Consider-
-able Expences on every Visit from the leading men
of the Chactaws and other Nations, which will be
often Necessary and therefore not to be Avoided, tho
very burthensome to the People of this Province, who
have Suffered for several years past by the great
Droughts, and besides the expences occasioned by
Our preparations to withstand the expected Invasions
of Spaniards, which this Province and the Colony of
Georgia have been alarmed with these two last years
and to which we shall always be exposed while the
French can have influence over the Chactaws, which

may

may likewise be extended to the Cherokees, who are at Peace with the Chactaws.

I humbly hope your Grace will consider that the affair of uniting so numerous a People as the Chactaws to the English Interest, may be a Principal means of securing the Peace and safety of all His Majesty's Dominions in North America, and of disappointing a Scheme which the French for many years have been endeavouring to carry into Execution viz^t to settle a Communication from Canada to the mouth of the Mississipi; to destroy or Subdue all the Indians in Friendship with the English, and by that means with their Indians to carry an easy War into all the Settlements of the English along the Sea Coast.

The Dependance the French had of securing the Interest of the Chactaws made the Execution of this Design appear Feasible and they had already made a great Progress. But if this Government should be so fortunate as to give matters a Different Turn and effectually secure the Chactaws. I flatter my self your Grace will be of Opinion that an Undertaking which will produce so general a good to all North America, ought not to be carried on at the Sole expence of a Small Colony, exposed on the Frontiers,

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& Interest of Inhabitants, tho' more burthen'd with Taxes than any on the Continent. If His Majesty on your Graces Representation should be Graciously Pleased to take the Matter under Consideration, and the Chactaws Indians should feel the Effects of His Royal Bounty, We should have no Reason to doubt but that all our Hopes and Expectations would be answered and that His Majestys Subjects in Great Britain as well as America would reap the advantages that must necessarily attend so Useful an undertaking

I am with great Respect
My Lord
Your Graces
Most obedient &
Most humble Servant
Wm Bull

His Grace the Duke of Newcastle.

B.P.R.O. South Carolina (B.T.) Vol. 26 p 294.

Whitehall.

July 25th 1738

To the King most Excellent Majesty.

May it please your Majesty.

It having been frequently represented to us, the several Difficulties & Inconveniencies attend the proceedings at Law, in many Cases in your Majtys Province of South Carolina, particularly in regard to your Majestys Quit Rents there, for want of a standing Court of Exchequer being established in that Province. We have thereupon Consulted your Majestys Attorney and Solicitor General who are of Opinion that if your Majesty should approve of the erecting of such a Court, it may be proper that your Govr. not, now going over, may be authorized by a Special Commission to establish the same and constitute a Chief Baron with other proper Officers for the said Court, and that the proceedings therein should be agreeable to the practice here, All which being in Our Opinion necessary for your Majestys Service, and for the good of the said Province, We would humbly propose that such a Commission should be issued accordingly.

Which

Which is most humbly submitted

Monson.

Jn. Bladen.

Ja. Brudenell.

R. Plumer.

End.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 298.

Whitehall.
July 25th 1740.

To the Right Honourable the Lords of the Committee
of His Majesty's most Honourable Privy Council.

My Lords.

Pursuant to Your Lordps Order of the 15th day of May last, We have taken into our Consideration a Letter from William Bull Esq. President of the Council and Commander in Chief of His Majesty's Province of South Carolina to His Grace the Duke of Newcastle, One of His Majesty's Principal Secretaries of State, humbly requesting "That a Supply of great "Stores and small Arms may be sent over to that "Province, according to the List contained in the "Report of the Commissioners of the Fortifications "therewith transmitted.

We have on this Occasion had some Discourse with Colonel Horsey His Majesty's Governor of that Province and with Mr Fuzye their Agent, and are informed by Them, that the People there have been at great Expence in erecting several new Batterys and Forts and putting themselves in a proper Posture of Defence, but that they are not in a Condition at present

present to provide themselves with a sufficient supply of great Stores & small Arms.

Whereupon considering the Importance of this Province and the present Posture of Affairs in America Altho' from the Informations laid before us we are not capable of determining what Quantity & Species may be requisite for this Service, We are nevertheless of Opinion that his Majesty may be graciously pleased to grant them such supplys as in his great Wisdom he shall think Convenient.

We are,

My Lords,

Your Lordships

Most Obedient and

most humble Servants.

Monson.

M. Bladen.

R. Plumer.

B.P.R.O. South Carolina (B.T.) Vol 26. p. 300.

Whitehall.
July 27th 1738

To his Grace the Duke of Newcastle.

My Lord,

Having receivd from Mr Bull President and Commander in Chief of South Carolina a Representation of the present state of that Province together with several Examinations, Depositions and Letters relating thereto and likewise a large Map of that Country We should have transmitted Copies thereof to your Grace for your Consideration as thinking them of great consequence to his Majestys Service, but that We are informed your Grace has already receivd them by the same Conveyance. We are

My Lord,

Your Graces,

most obedient & most humble Servts

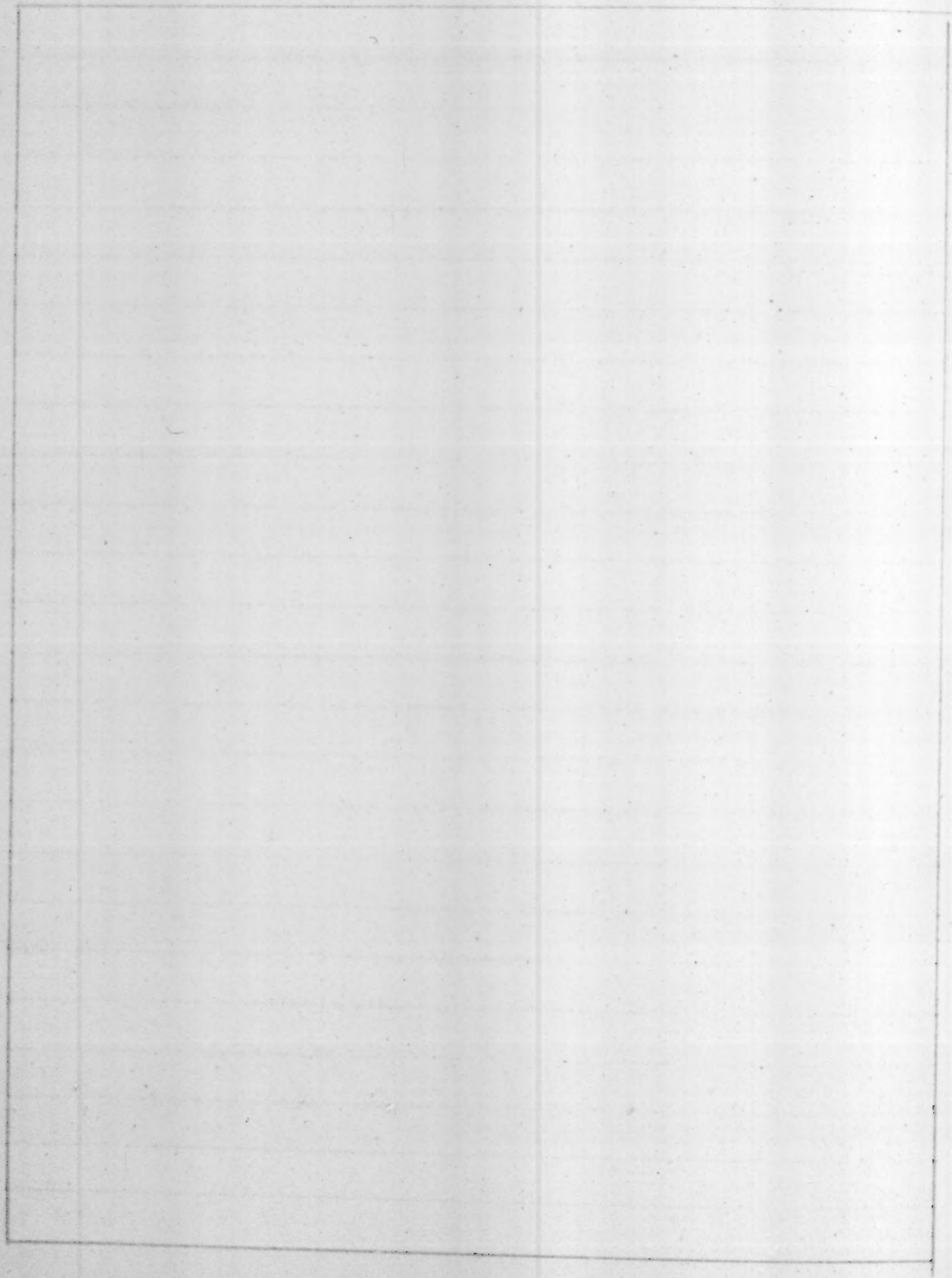
Monson.

M. Bladen.

Ja. Brudenell.

R. Plumer

&c.



B P R O South Carolina B I Vol y Pgs

(27th July 1738)

To the Right Honble The Lords Commissioners
for Trade and Plantations

My Lords

In Obedience to your Lordships commands signified to me by Mr Hill I have examined the Act passed in South Carolina in 1731 Entituled An Act for drawing Juries by Ballot and for the Administration of Justice in Criminal Cases and also the Objections of the Chief Justice Wright to the said Act

Mr Wrights Objection to the 8th paragraph of the Act in question is that the persons named in the Schedules annexed and no others shall be obliged to serve on Juries, but this nomination was to continue only three Years which are long since expired, after which a method is prescribed for naming the Jurors by that the Names of those who have paid 20sh or upwards for the preceding Years Taxes shall be transcribed And out of those who have paid 5l shall be made a List of Grand Jury Men, and after a Sufficient number of them are named. All those who have paid 20sh or upwards shall stand as a List of Petty Jurymen: (unless other Lists be appointed by

by the Assembly) which seems to be a very fair and equal method of Nomination. Indeed there is a restriction for those Jurymen that are to serve at Special Courts, by't that they should be inhabitants of St Philip's Charles Town, which seems to be intended only to prevent Jurymens being obliged on those occasions to take expensive Journeys.

After this follows the proviso for Summoning Juries on Inquests of Office and other Special Occasions to which Mr Wright objects that the method prescribed by the Act is impracticable, but this does not very clearly appear to me.

He further objects that this method is contrary to our Law which directs that Juries should be summond out of the neighbourhood: As to which I think his objection very material, and can see no reason why Juries on Inquests of Office should be summoned out of the Inhabitants of St Philips, when the Lands which the Person died Seized of may be very remote from it.

The Paragraph which allows a conscientious Declaration and affirmation instead of an Oath seems very loosely drawn. We have the like provision in England in the case of Quakers, but the Act prescribes

scribes the particular form of Affirmation.

The paragraph in relation to the Assistant Judges mentions that they are to be commissioned by his Majesty his Heirs or Successors or by the Governor and Commander in Chief which last in my Opinion seems very proper on account of the necessity of Supplying those places before it can be done by Hes Majesty.

The allowing Counsel and a Copy of the Indictment to Felons, is contrary to the practice in England, but seems in its self very reasonable and in case of Treason it is allowed here by vertue of an express Law. And even Felons the persons are not allowed to make their full defence by Counsel The Court generally indulge them in giving their Clients all possible Assistance. The allowing a Copy of the Indictment may indeed occasion some cavils but as those may be easily avoided by a little care in drawing the Indictments I think there is not much weight in this Objection.

Upon the whole as it is apprehended many Inconveniences may arise in the Administration of Justice, If this Law is not repealed, and as I can't Observe that the repealing of it will be attended

with

with any ill Consequences. For the Law relating to Juries will then stand upon the same foot as it did before the passing this Law; I am therefore of Opinion, that Your Lordships may advise the repeal of it

Which is humbly submitted to Your Lordships great wisdom by

My Lords,

Your Lordships

most Obedt Servant

Fran Jane

July 27th 1798

Recd July 27th
Read D° D° } 1798

B P R O South Carolina B T vol 9 191

Port of Charles Town in South Carolina.
November 1 1731.

An Account of Sundry Goods Imported and of Sundry Goods of the Produce of this Province Exported from the Year 1721, to the Year 1730 With the Number of Vessels entered and cleared each Year. And a particular Account of the last Year.

An Account of Sundry Goods Imported and of Sundry Goods of the Produce of this Province Exported from the several Ports of Charles Town, Georg Town and Port Royal in South Carolina from the first of November 1730, to the first of November 1731 with the Number of Vessells entered and cleared in each Port

Rec'd July 27th } 1732
Read Ditto }

B P R O South Carolina B T Vol 9 f 90

(27th July 1738)

At the Council Chamber Whitehall
the 27th day of July 1738

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by Her Order in Council of the 20th of this Instant to refer unto this Committee the Humble Petition of John Hammerton Esqr His Majestys Secretary and Register of South Carolina Setting forth that the Petitioner and several other of His Majestys Officers for that Province compounded their Fees for the Surveying and Granting the Lands in the New Townships Ordered to be laid out in the said Province by agreement with the Governor and Council and the Petitioner accepted of Seven hundred pounds Carolina Currency to be paid by the Publick Treasurer of that Province every 20th of March That notwithstanding the Governor hath issued proper orders to the said Publick Treasurer for the payment of the Sums due to the Petitioner and the other Officers yet he hath refused to pay Obedience to the said Governors Orders And therefore humbly praying that His Majesty will be graciously pleased to give such Instructions to

the

the present Governor of that Province for procuring Payment of the Sums due to the Petitioner and the other Officers upon the said Agreement as to His Majesty in His Great Wisdom shall seem meet. The Lords of the Committee this day took the said Petition into their Consideration and are hereby pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider thereof and Report their Opinion thereupon to this Committee

W. Sharpe

(Enclosure)

To the Kings most Excellent Majesty in Council.

The humble Petition of John Hammerton Esq.
Your Majestys Secretary and Register of South Carolina

Humbly Sheweth

That there is now due to Your Petitioner and several other of Your Majestys Officers in Your Province of South Carolina a Considerable Sum of Money for Fees for Surveying and Granting several Tracts of Lands for settling poor Protestants in the New Townships conformable to Your Majestys Royal Instructions to the Governor and

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an Act of Assembly of the said Province made thereon.

That the Fees in Your Petitioners Office for the Business in the said Townships in the Year 1731 amounted to about five thousand Pounds that Currency and the Sum appropriated for that purpose falling short the Governor and Council proposed to Yr Petitioner to compound his said Fees.

That Your Petitioner being very desirous to contribute to the Settling the Province according to Your Majestys Royal Instructions Readily complied and agreed to accept of £ Currency Yearly to be paid every 25th of March being but one third part of the Fees and which would but barely pay his Clerks and Expenses for the Business done in his Office on that head and which was to be paid by the Publick Treasurer of the Province Yearly

That the said Agreement was also made with the rest of Your Majestys Officers concerned therein according to the proportion of their several Demands.

That in pursuance of this Agreement Your Majestys Governor with the advice of the Council the Year following Issued proper Orders to the said Publick Treasurer for the payment of the Sums then due to Your Pet[r] and the other Officers But neither Your Petitioner nor any of the other Officers received any Money pursuant to the said Governors Order on the said Treasurer by reason the

the Lower House of Assembly at the same time sent another Order in Writing to the said Treasurer forbidding him to Obey the said Governors Order and which Order of the Assembly the Treasurer abided by in disobedience to the Governors Notwithstanding which Your Petitioner and the other Officers have continued punctually to discharge all Business coming into their Offices on Account of the said Townships it being now going on Three Years since the said Agreement was made.

Your Petitioner therefore most humbly prays Your Most Sacred Majesty that you will be graciously pleased to give such Instructions to Your present Governor for procuring payment of the Money due upon the said Agreement with Your Pet.r and Your other Officers therein concerned as to Your Majesty in Your great Wisdom shall seem meet.

And Your Petitioner shall ever pray &c.

I Hammerton

Rec.d Aug.t 17.th
Read Oct.r 4.th } 1738

B P R O South Carolina B T Vol 9 f 99

(27th July 1733)

At the Council Chamber Whitehall

the 27th day of July 1733

By the Right Honourable the Lords of the

Committee of Council for Plantation Affairs

His Majesty having been pleased by His Order in Council of the 20th of this Instant to refer unto this Committee the humble Petition of John Fenwicke of His Majestys Province of South Carolina in America Esq. Setting forth that His Majesty was graciously pleased by Letters Patent to grant to Edward Barlow Esq and the Petitioner the Offices of Secretary and Register of the said Province and that the late Gov of that Province had refused to Admit the Petitioner to the said office of Register notwithstanding the said Grant and Therefore praying that his Majesty will be pleased to give such Directions for Establishing the Petitioner in the due Exercise and Enjoyment of the said Office of Register as His Majesty in his great Wisdom and Goodness shall think fit. The Lords of the Committee this day took the said Petition into their Consideration and are hereby pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords

Commissioners

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Commissioners for Trade and Plantations to Consider thereof and Report their Opinion thereupon to this Committee

W Sharpe

(Enclosure)

To the Kings most Excellent Majesty in Council

The humble Petition of John Hammerton of Your Majestys Province of South Carolina in America Esqr

Sheweth

That Your Majesty by Your Letters Patent bearing date the 11th day of February 1731 was most graciously Pleased to Grant to Edward Berlie Esqr and Your Petr the Offices of Secretary and Register of Your Majestys said Province of South Carolina and did make Ordain and Constitute the said Edward Berlie and Your Petr Secretary and Register of the said Province To Have Hold Execute and Enjoy the said Offices of Secretary and Register by them or either of them or by their Sufficient Deputy or Deputys for and During the Lives of the said Edward Berlie and Your Petr and the life of the longest Liver of them with all rights Privileges Profits Perquisites and Advantages to the said Offices belonging and appertaining And Your Majesty by Your said

said Letters Patent granted to the said Edward Berkley and Your Pet.r full power and Authority by themselves or either of them or their Sufficient Deputy to be present at all Meetings of the Governor and Council and of the Assemblys and to keep an exact Register of all their Proceedings Acts and Orders and also to receive from the Surveyor General all Certificates of Lands by him set out and Surveyed according to the Warrants to him directed and to draw up all such Leases Conveyances and Assurances of Land as the said Edward Berkley and Your Petitioner should from time to time by Your Majesty or by the Governor of the said Province with the Consent of four or more of the Council be directed and when they should be duly executed to enroll the same and to do and perform by themselves or either of them or by their Deputy all other Acts usually done by the former Secretarys in Your Majestys said Province

That the said Edward Berkley is since Dead by whose Decease the whole right and Interest in the said several Offices of Secretary and Register of s.d Province of South Carolina is become vested in Your Pet.r for his life

That Your Pet.r humbly Informs Your Majesty that

not.

notwithstanding Your Majesty said Royal Grant Robert Johnson Esq^r Your Majestys late Governor of the said Province of South Carolina Did upon Your Pet^rs Arrival in Carolina in the Year 1732 refuse to Admit Your Pet^r to the said Office of Register Notwithstanding the said Office was so expressly granted to him by Your Majestys said Letters Patent and notwithstanding Your Pet^r in the most humble manner applyed to the said Governor praying he might be admitted to the exercise and enjoyment of the said Office of Register as well as that of Secretary under and by vertue of Your Majestys said Grant But the said Governor Johnson not only refused the same but appointed M^r Nathaniel Johnson his Son to Execute the said office of Register.

That the said Governor soon after dyed and Your Pet^r laid his right to the said Office before the President and Council of South Carolina, and the said M^r Johnson did the same and the President and Council of South Carolina, transmitted the whole to the Right Honourable the Lords Commissioners for Trade and Plantations for their Lordships directions concerning the same and Your Pet^r came over here to follow and prosecute his said Application and to appear in Support of

of his right to the said Office.

That before any thing further was done the said Mr Johnson dyed and thereby the reference of this matter to the Right Honourable the Lords Commissioners of Trade and Plantations was determined

That Your Petr in all humble manner lays the Premises before Your Majesty and most humbly prays Your Majesty that you would be graciously Pleased to take his Case into Your Royal Consideration and that Your Majesty will be pleased to give such Directions for Establishing Your Petr in the his quiet enjoyment of his said Office of Register upon to Your Majestys said Royal Grant of the same as Your Majesty in Your great Wisdom and goodness shall think fit.

And Your Petitioner shall ever Pray

I Hammerton

Recd Augt 17th
Read Octr 4th } 1738

B.P.R.O. S. Carolina B.T. vol 10. f. 11

(31 July 1738)

At the Court at Kensington
the 31st of July 1738.

Present

The Kings most Excellent Majesty
in Council

Whereas it hath been represented to his Majesty at this Board as well by the Lords Commissioners for Trade and Plantations as by a Committee of the Lords of the Council that Several difficultys and inconveniences attending the Proceedings at Law in many Cases in his Majestys Province of South Carolina particularly in regard to His Majestys Suit Reals there for want of a standing Court of Exchequer being established in that Province. His Majesty in Councill this Day tooke the same into his Consideration and is thereupon pleased to Order as it is hereby Ordered that Mr Attorney General and Mr Solicitor do prepare a draught of a Special Commission to Authorize and Empower the Governor or Commander in Chief of the said Province to Establish such a Court, there and to appoint a Chief Baron with other proper and necessary Officers - and the proceedings in the said

said Court are to be agreeable to the practice of the Court of Exchequer in England and Mr Attorney and Mr Sollicitor General are to present the said Draught to His Majesty at this Board for His Royal approbation

A true Copy
Ja. Vernon.

Recd May ye 8th
Read June ye 8th } 1739.

B.P.R.O. So. Carolina B T Vol 10 G. 12

(31 July 1738)

At the Court at Kensington
the 31 of July 1738.
Present
The Kings most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 27 of this Instant in the words following Viz.t

"Your Majesty having been pleased by your Order in Council of the 20th of this Instant to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations upon a Draught of general Instructions of those relating to the Acts of Trade and Navigation for Samuel Horsey Esqr who m your Majesty hath been pleased to appoint Governor in Chief and Lieutenant General of South Carolina. The Lords of the Committee in Obedience to your Majestys said Order of Reference this Day took the said Representation and Draughts of Instructions into their Consideration whereby it appears that the said Lords Commissioners have made no alterations from the General

"General Instructions which your Majesty was pleased to
"give to the late Govr. of this Province except in the
"following Articles, save only that the said Lords Com.
"missioners have transposed some of them in order to
"bring all that are relative to the same subject together
"Viz.t –

"The Purport of the 30th Article of the late Governors
"Instructions was to allow the Assembly to divert cer-
"tain Funds from their first Appropriation for the Term
"of Seven years for the Encouraging and Settling new
"comers into the Province, and that Instruction having
"been complied with the said Lords Commissioners
"have omitted it" –

"An Act having been passed for the purposes
"mentioned in the 21st Instruction to the late Governor
"for the emitting of Paper Money the said Lords Com-
"missioners have Omitted the said Instruction" –

"In the 43 Article to the late Governor concerning
"the settling Eleven Townships for securing the Frontiers
"of the Province two of them were directed to be settled
"on the River Alatamaha, but the said River being
"now included in the Province of Georgia they are
"Omitted in this Article and the number of the Town-
"ships reduced to nine" –

"The

The said Lords Commissioners have added the 84 Article to make these Instructions agreable to the Commissions given by Your Majesty to Colonel Oglethorpe and to Colonel Horsey.

The 106 Article to the late Governor about re establishing a Fort on the Alatamaha River is omitted because the said River is now included in Georgia.

The 108 Article in these Instructions is framed agreable to three several Additional Instructions given by Your Majesty to the late Governor and Lieutenant Governor of this Province in relation to the Settlement of a Township by Colonel Purry.

The Lords of the Committee upon considering the said several Alterations do agree humbly to Report to Your Majesty that they have no Objection to Your Majesty's approving the said Instructions with the said alterations; And their Lordships beg leave Humbly to observe to Your Majesty, that pursuant to Your Majesty's Order in Council of the 20th of this Instant they have caused an Article to be added at the end of the said Instructions requiring the Governor to recommend to the Council and Assembly the passing a Law for regulating the Indian Trade, to the mutual Benefit and Satisfaction of your Majesty's Province of South Carolina

Carolina and of the neighbouring Colony of Georgia and their Lordships considering that it may so happen that your Majestys Service may require Your Governor of South Carolina to go into the Colony of Georgia - They have therefore thought proper to add a Clause at the end of the 30th Article giving him Liberty to go thither at such times as he shall find it necessary for your Majestys Service But enjoyning him not to remain there longer than the necessity of such Affairs shall absolutely require. —

His Majesty this day took the said Report into consideration and was thereupon pleased with the Advice of his Privy Council to approve of the said two Draughts of Instructions with the several Alterations made therein And to Order as it is hereby ordered that His Grace the Duke of Newcastle one of his Majestys Principal Secretarys of State do cause the said two Draughts of Instructions (which are hereunto annexed) to be prepared accordingly for his Majestys Royal Signature

A true copy
Ja: Vernon.

Recd May ye 8th
Read June ye 8th } 1739

B.P.R.O. S. Carolina B.T. Vol 10. G. 13

(31st July 1738.)

At the Court at Kensington
the 31st July 1738
Present
The King's most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 27th of this Instant in the words following Viz.t -

"Your Majesty having been pleased by Your Order in Council to refer unto this Committee a Letter from William Bull Esqr. President of the Council and Commander in Chief of Your Majestys Province of South Carolina to his Grace the Duke of Newcastle One of Your Majestys Principal Secretarys of State humbly requesting that a Supply of Great Stores and Small Arms may be sent over to that Province, for the better defence and Security thereof according to the List contained in a Report made to the said President by the Commissioners of the Fortifications there - The Lords of the Committee did on the 19th of May last take the said Letter and Report into their Consideration and thought proper

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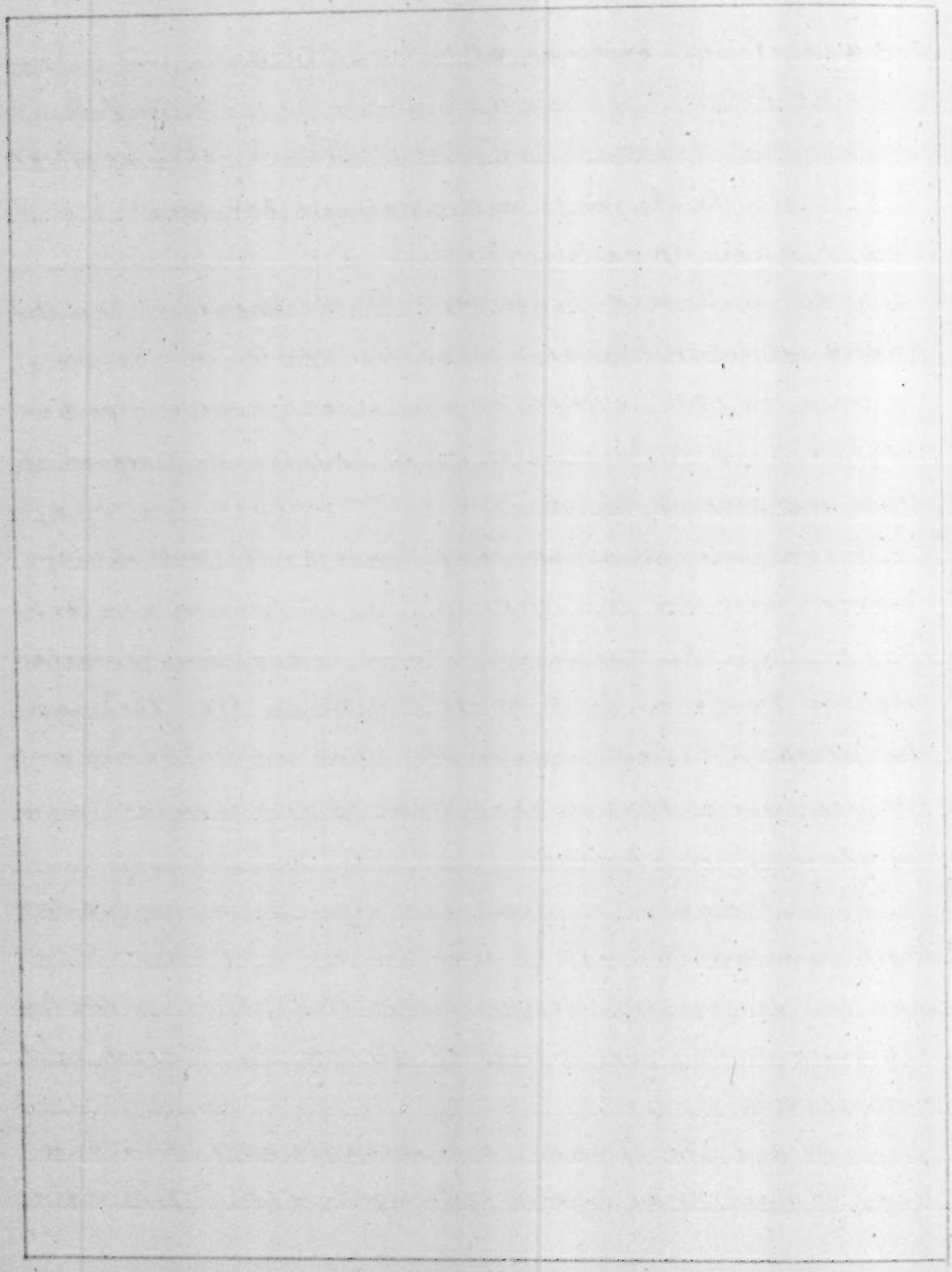
to referr the same to the Lords Commissioners for Trade and Plantations, who have represented to this Committee by their Report of the 25th of this Instant, that they have been attended by the Governor, as also by the Agent of the said Province by whom they have been informed that the Inhabitants of that Province have been at a great Expence in Erecting several new Batteries and Forts and putting themselves in a proper posture of Defence, and that they are not in a Condition at present to provide themselves with a Sufficient Supply of great Stores and small Arms In regard whereof and of the great Importance of the said Province The said Lords Commissioners are of Opinion that Your Majesty may be pleased to Grant them such a supply as shall be thought convenient, The Lords of the Committee upon considering the said Report, Do agree in Opinion with the said Lords Commissioners that Your Majesty may be pleased to Grant such a Supply of Stores, as is desired for the Security and Defence of the said Province; And in Order thereto their Lordships humbly propose that Your Majesty will be pleased to Direct that a copy of the said Presidents Letter and also of the said Report of the Commissioners of the Fortifications which contains a List of the said Stores Be sent to the Master General of the Ordnance

Ordnance with Directions to him to Cause such a Supply of the said great Stores and small Arms to be forthwith sent to that Province as can be conveniently Spared at this time – And that he do Cause such great Stores and small Arms as shall be sent to be replaced as soon as may be and that he do lay an Account thereof before the Lords Commissioners of Your Majestys Treasury together with a Demand for so much Money as shall be necessary for the replacing the said great Stores and Small Arms:

His Majesty this day took the said Report into consideration and was pleased with the Advice of His Privy Council to approve of what is therein Proposed and to Order as it is hereby Ordered that His Grace the Duke of Argyll Master General of the Ordnance do give the necessary Directions accordingly

A true copy
Ja Vernon.

Recd May 8th
Read June 8th } 1734



B.P.R.O. South Carolina (BT.) Vol. 26. p. 302.

Whitehall.

August 10th 1738

To the King's Most Excellent Majesty

May it please Your Majesty.

We have had under Our Consideration An Act passed in Your Majesty's Province of South Carolina in August 1731. Entituled An Act confirming and establishing the Ancient and Approved Method of drawing Jurors by Ballot in this Province, and for the better Administration of Justice in Criminal Causes, and for the appointing of Special Courts for the Trial of the Causes of Transient Persons, declaring the Power of the Provost Marshal for allowing the proof of Deeds beyond the Seas, as Evidence and for repealing the several Acts of the General Assembly therein mentioned.

We have likewise had the Opinion of Mr Fane, One of Your Majesty's Counsel at Law, who has the following Objections to that Part of the Act relating to the drawing of Jurors by Ballot as it now stands.

First, he thinks it unreasonable and contrary to Law, that Juries on Inquests of Office, and other

other Special Occasions, should be summoned (as is prescribed by the Act) out of the Inhabitants of St Philips, Charles Town, when the Lands which the Persons died Seized of, may be very remote from it.

And secondly, that the Paragraph which allows a conscientious Declaration and Affirmation instead of an Oath, seems very lovely drawn, That there is indeed a Provision in England in the Case of Quakers, but the Act prescribes the particular Form of Affirmation.

We have likewise received some Papers from South Carolina relating to this Act, and shall beg leave humbly to add as a further Objection to it;

That in Cases of Escheats, and Inquests of Offices on Special Matters, the Act confirms the Writt of Venire facias (by which Jurors are Summoned) to issue only from the Courts therein Specified, and takes no notice at all of the Court of Exchequer, whereupon it has happened that Summons have been disobeyed, under a Pretence that there was no Law in the Province to Compell Jurors to serve on such Inquests.

For which Reasons, and as We apprehend many Inconveniencies may arise in the Administration of Justice, if this Law is not repealed, We humbly lay the

the said Act before Your Majesty for Your Royal Dis-
approbation thereof.

Which is most humbly submitted

Monson

Ja Brudenell

R. Plumer

Jn Bladen

E.P.

B.P.R.O South Carolina (BT) Vol. 26. fl. 305

Whitehall.
October 5th 1738

To his Grace the Duke of Newcastle

My Lord.

Having recevd a Letter from Mr Bull President of the Council in South Carolina, dated the 20th of July last wherein he gives an Account that the Nation of Chactaw Indians on the North East Side of the Mississippi River, who have hitherto been in the Interest of the French, have lately sent several Messengers to the Government of South Carolina, to propose a Friendship with the English, and further desires that some allowance may be made by his Majesty for Presents to the said Chactaws, as has been allowed to the Senecas, on the Borders of New York; We take the Liberty to transmit to Your Grace a Copy of the said Letter for Your Consideration, apprehending the same to be of great Consequence to his Majestys Service, & are, My Lord, &c.,

M. Bladen.
Ar. Croft
R. Plumer

Ld

B P R O South Carolina B T Vol 9 Doc

Representation of the Chief Justice & other Officers of Justice in South Carolina to His Majesty relating to the passing an Act for the regulating a Court of Exchequer Erected in that Province.

By the honourable Thomas Broughton Esquire Lieutenant Governor and Commander in Chief in and over his Majesty's Province of South Carolina
To all to whom these Presents shall come Greeting
Know Ye that James Wright Esq^r who hath Attested the Copies of the Commission and Return hereto annexed is the Commissioner appointed by the said Commission. And also that at the time of Certifying the Bill hereunto annexed the said James Wright was and now is Attorney General of this Province; And that James Mackie Esq^r is Deputy Secretary of this Province; And also that M^r Jesse Bidenhop is Clerk of the Council of this Province, And that M^r Isaac Amy is Clerk of the Lower house of Assembly of this Province. Therefore all due faith and Credit is and Ought to be given to their Several Attestations of the Respective

papers

papers hereunto annexed.

In Faith and Testimony whereof I hereunto Set my hand Caused the Great Seal of this his Majestys Province to be hereunto affixed At Charles Town in the said Province the Fourteenth day of July in the Eleventh year of his Majestys Reign Annoq Domini 1737

Secretarys Office 14 July 1737
Sealed & Entred by order of his Honourable Lieutenant Governor. I. Hammerton Secry

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(Enclosure)

To the Kings most Excellent Majesty

The Humble Representation of Robert Wright Esq^{r} Chief Justice and Chief Baron of the Province of South Carolina, John Hammerton Esq^{r} Secretary and Receiver Generall of the said Province, James St John Esq^{r} Surveyor Generall Deputy Auditor, Comptroller and Inspector of his Majestys Revenues, & James Wright Esq^{r} Attorney Generall for the time being.

Sheweth

That there are divers and Sundry Plantations and Tracts of lands within the said Province to the Amount of a very Considerable Value, which by virtue of Your Majesties Royal

Royal Prerogative, have Devolved and become the right of Your Majesty, Some by reason of the Possessors and Grantees Dying Intestate and without Heir, others by reason of the Grantees being duly Convicted and Attainted of Felony In Your Majesties Court of Generall Sessions in this Province, as well as by Several other ways and means.

That the said Plantations and Tracts of Land cannot Legally be vested in Your Majesty, So as to be Disposed of for Your Majestys use, untill the Severall Causes whereby the Same became the right of Your Majesty, are first found by the Oaths of Twelve Men.

That Your Majesty in and by the Thirty ninth Article of Your Royal Instructions to Your Majesties Governour of this Province, was Graciously Pleased to Direct, that for the preservation and Recovery of Your Majestys Rights and Dues, and that Speedy and Effectuall Justice be administred in all Cases Relating to Your Revenues in this Province, a Court of Exchequer should be Called, And should meet at all such Times as should be needfull, And that Your Majesties said Governour Should Inform Your Majesty, and Your Commissioners for Trade and Plantations, whether Your Majesties Service might require that a Constant Court of Exchequer should be

be Settled and Established within this Province.

That your Majestys Said Governour Pursuant to Your Majesties said Instructions, Did Appoint the said Robert Wright Esq: to be Chief Baron, with full power and Authority to hold a Court of Pleas of the Crown, and Court of Exchequer within this Province, and therein to proceed in all matters and Causes within the Juris-diction of the said Court, and to hear and Determine all matters and Causes whatsoever, happening or arising between Your Majesty and Your Subjects in this Province, According to the Laws and Statutes of your Majesties Kingdom of Great Britain, And the Laws of this Province.

That the said Chief Baron Pursuant to the Powers And Authorities to him given and Granted by Your Majestys Governour as aforesaid, Did Regularly and According To Due Course of Law, Issue Commissions under the Seal of the said Court of Exchequer, Requiring the Commissioner therein Named, at the Severall Times And places therein mentioned, To Inquire by the Oaths of Twelve good and Lawfull men, what Lands Tenements or Hereditaments the Severall persons therein named, were Seized of possessed of, at the Time of their dying without Heir, or of their Committing the Offence for which

which they were Attainted, as on the said Commissions were duely and particularly Set forth.

That the said Chief Baron Did also Cause to be regularly Issued Diverse Writts of Venire Facias Directed to Your Majesties Provost Marshal of this Province, Commanding him to Cause Twelve good and Lawful Men To Appear before the said Commissioner at the Severall Times and places mentioned in the said Commissions.

That the said Persons So Summoned as aforesaid Did Absolutely refuse to Serve on the said Inquest, Alledging that there was no Law in this Province To Compell Them to Serve on the Same, as appears by the Return made by the said Commissioner.

That Your Majesties Said Chief Justice Immediately by Directed Your Majesties Attorney Generall of this Province for the Time Being, To prepare a Bill, Intituled a Bill, for Limiting the Power and Jurisdiction of the Court of Exchequer in this Province and for Settling the Method of Proceeding in the Same, which Bill was Accordingly prepared; And presented by the said Secretary and Receiver Generall to Your Majesties Governour And Council of this Province, who Approved of the Same, and read and passed it a first Time.

And

And Sent it down to the Lower House of Assembly for their Concurrence, in Order that the said Bill might be passed into a Law.

That Severall Messages have From Time to Time Been Sent by the Governour and Council, To the Said Lower House of Assembly, in Order to Expedite their Consideration of the said Bill, Nevertheless the Same hath been a long Time without any Notice taken thereof And is now Ordered to lye on the Table of the Said Lower House of Assembly.

These Proceedings Your Majesties Representatives Conceive to be highly prejudicial To Your Majesty, in the Retarding the Recovery of the Just rights and Revenues of the Crown, And a Contempt of Your Majesties Royal Commands, And the Laws and Statutes of Great Britain, made and provided for the Maintenance and Support of Your Majesties Crown and Dignity (Yet denied to be of Force in this Province, tho' part of Your Majesties Dominions) All which they Apprehend to be their Duty to make known to Your Majesty. That such Directions may be Given Touching the Same, as in Your Majesties Great Wisdom shall Seem Meet and requisite, and for that Purpose have Annexed To this Their Representation, True Copies of the

the Several Commissions, Powers and Messages thereon Mentioned

Robt Wright Ja: St John 1727
I Hammerton Jn Wright

(Enclosure)

South Carolina.

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c

To Robert Wright Esquire our Chief Justice of our Said Province of South Carolina Whereas We have thought Proper to Establish a Court of Exchequer in Our Province of South Carolina for the better and more Speedy Execution of the Laws in all matters Touching Our Crown and Dignity, Especially such matters as Relate to our Lands Revenues Fines Forfeitures and other Profits within our Said Province And Reposing Special Trust and Confidence in the Integrity and Ability of You the said Robert Wright Have and by these presents Do Constitute and Appoint you to be Chief Baron of Our said Court of Exchequer for holding a Court of Pleas of Our Crown and Court of Exchequer within Our Said Province as often as Occasion shall require and

and therein to proceed in all matters business and causes within the Jurisdiction and Cognizance of our Said Court of Exchequer And also to proceed by way of Equity for the Equitable Determination of all or any matters or cause Whatsoever Between us and Our Subjects according to the Laws and Statutes of Our Kingdom of Great Britain And the Laws of Our Said Province of South Carolina And according to the Tenour of the Ordinances for the Establishment of the Same To Have And To hold the said office of Chief Baron During our Pleasure Together with all and Singular the rights Priviledges Profits Immunities and Immoluments To the said place or office of Chief Baron in any wise Belonging or appertaining

Given under the Great Seal of Our Said Province at Our Council Chamber in Charles Town the Twenty third day of November in the Sixth Year of Our Reign Anno Dom 1732 Witness our Trusty and well Beloved Robert Johnson Esquire our Governor and Commander in Chief in and over Our Said Province.

Secretarys office 15 April 1786 Robt Johnson (S)

This is a True Copy of
the Record of the Original Commission
Exd I Hammerton

So

So Carolina July 11th 1737.

This is a true Copy of the Record lodged in the Secretarys Office Examin'd this day of

James Mackie Depty Secretary

(Enclosure)

South Carolina ss

George the Second by the Grace of God of Great Britain France and Ireland King defender of the Faith &c To James Knight Esquire

Whereas John Dutartre late of the Province aforesaid did committ a Felony for which he was hanged And Whereas it is unknown to us what lands Tenements or Hereditaments the said John Dutartre was Seizd of at the Time of his committing the said Felony Know Ye therefore that we very much confiding in your Fidelity in Transacting Our Business have assigned you full power and Authority by these presents Do Give To Inquire as well by the Oath of good and lawful Men of Our County of Berkly in the Province aforesaid as by the Examinations and Depositions of Credible Witnesses, And by all other ways and means by which you may the better Know of what Messuages Lands

Lands Tenements or Hereditaments he the said John Dutarbe was Seizd of at the Time of his committing the Felony Aforesaid And in whose Tenure or Occupation Such Lands Tenements or Hereditaments now are And who has had the Profits and Issues of the Premises or the Issues and Profits of any part or parcel of the Premises From the Time of the Said John Dutarbe's Committing the Felony Aforesaid As also to Inquire of all other Articles and Circumstances which Concern the Truth and Certainty of the Premises aforesaid And Therefore We Command you that you personally Come to the House of the said John Dutarbe in the County aforesaid on the third Wednesday in August Next and then and there Deligently and with Effect Inquire into the Premisses, So that the Inquisition then before you taken and made Distinctly and openly you have Before the Chief Baron of our Exchequer at Charles Town the Twentieth day of October next then in the same place under Your Seal and the Seals of those by whom that Inquisition was made Together with this Our Commission to be Delivered We have therefore Commanded our Provost Marshal of the Province aforesaid that on the said third Wednesday in August next And at the house

of

of the Said John Dubarbe's aforesaid be Cause to Come before you So many and Such good and Lawful Men of the Said County by whom the Truth of the matter may be better known And We do hereby give unto you full power and Authority all ffit persons whatsoever to call before you, and them to Examine upon their Corporal Oaths in and Concerning the Premisses that this Our present Mandat may not longer remain unexecuted And We do besides Injoin all Coroners Bailiffs Constables and all other Officers Ministers and Subjects by Vertue of these Presents to Obey and to be Aiding and Assisting to you in the Execution of the Premisses In Testimony of which these our Letters under the Seal of Our Exchequer We have Caused to be made Patent Witness Robert Wright Esqr Chief Baron of Our Court of Exchequer at Charles Town the Twenty fifth Day of June Anno Dom One Thousand Seven hundred and thirty Six

Robert Wright

I James Wright Do hereby Certifie unto all whom it may Concern that the above Commission Containing One Sheet & an half of Paper is a True Copy of the Original Commission To me Directed

Ja: Wright

To

(Enclosure)

To The Honble Robert Wright Esqr Chief Baron of His Majesties court of Exchequer in the Province of South Carolina.

Whereas a Commission out of the Court of Exchequer bearing date the Twenty fifth day of June Anno Dom One thousand Seven hundred and thirty Six was by your Honour Directed unto me the Subscriber To Inquire as well by the Oaths of good and Lawful Men of Berkly County in the Province aforesaid as by the Examination and Depositions of Credible Witnesses and by all other ways and means by which the truth might be better known of what Messuages Lands Tenements or Hereditaments John Dutarbe (who had Committed a Tellony for which he was before that Time hanged) was Seized at the Time of his Committing the aforesaid Felony and in whose Tenure or Occupation such Lands Tenements or Hereditaments are And who has had the Profits and Issues of the Same or the Issues and Profits of any part or parcel thereof from the Time of the said John Dutarbes Committing the Felony aforesaid And also To Inquire of all other Articles and Circumstances which might Concern the truth and Certainty of the

Premisses

Premisses, as by the said Commission Hereunto annexed Relation being thereunto had may more fully and at large appear.

Therefore I the said Commissioner Do hereby Certifie unto the Honourable the Chief Baron aforesaid, that at the Time appointed by the said Commission I Did go to the house of One Edward Haywood Victualler in the County Aforesaid, and nigh unto the Land late of the Said John Dutarbe for that there was no Conveniences for Executing the said Commission upon the Land late of the said John Dutarbe, And that William Nelson Lawful Deputy To Robert Hall Esq Provost Marshal pursuant To the said Commission and by virtue of a Writ of Venire Facias out of the Court of Exchequer aforesaid Issued, And to the said Provost Marshal Directed, Did Summons and upon his Oath return Twelve free and Lawfully Men of the Body of Berkley County aforesaid viz Samuel Wigfall Lewis Dutarque John Dutarque Michael Darby Andrew Warnock William Sanders Robert Row Henry Videau Henry Musonge Jeremiah Russell and John Hore And I do further Certifie that Ten of the aforesaid Jurymen Did appear at the Time and Place pursuant to their Summons, viz Samuel Wigfall Lewis Dutarque

&c.

2 7 4

John Dularque Michael Darby Andrew Hamock William Sanders Robert How Henry Rideau and Henry Musongs And being Called Over And Seperately by me the said Commissioner Requested to Serve as Surymen pursuant to my Commission then read and Shewn To them, they did every of them (Except the said Robert How absolutely refuse to Serve as Surymen Pursuant to the Direction of the said Commission but the said Robert How said He was willing and ready to Serve And I do further Certifie that the aforesaid Jeremiah Russell and John Stone who were Summoned by the Marshal Aforesaid to Serve as Surymen Did not appear at the Time and place required by their Summons And that for the severall Causes and Reasons above mentioned and Rehersed I could not proceed in the Execution of the Commission aforesaid In Testimony Whereof I the said Commissioner have hereunto Set my hand and Seal this Twelfth day of October Anno Dom 1761

Ja: Wright Com^{r} (LS)

I James Wright Do hereby Certifie unto all whom it may Concern that the above Return is a True Copy of the Original Return made by me the said James Wright

Ja: Wright

(Enclosure)

(Enclosure)

A Bill for Limitting the power and Jurisdiction of the Court of Exchequer in this Province, and for Settling the Method of proceeding in the Same

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(Enclosure)

Message from His Majestys Honble Council to the Commons House of Assembly dated the 28th Febr 1763

Mr Speaker and Gentlemen

In pursuance of His Majestys 29th Instruction we Sent you a Bill for Establishing a Court of Exchequer, to which we desire you'l give Dispatch that there may be no Obstruction or further pretence to Debar His Majty from the Legal Recovery of His just Rights and Revenues.

Arthur Middleton

I Certify this to be a true Copy taken out of the Minutes of Council Exd

p I Bulenbp C C

(Enclosure)

In the Commons House of Assembly

March the 2d 1763

Mr Speaker and Gentlemen

You

You are Once more desired to give Dispatch to the Exchequer Bill that it may not appear to be your Intention that His Majesty should be in a worse situation than the meanest of his Subjects. there being, as some suggest and are willing to believe no Law in this Province to enable his Majesty to sue for and recover his just rights and revenues.

Alex Skene

A true Copy of the Message from his Majtys Hon.ble Council dated as above, and examined by

Isaac Amyand C.D.C

11th July 1734

Recd
Read } Octo.r 19th 1738

B P R O South Carolina B T vol 9 f 101

Whitehall Nov^r 19^th 1738

My Lords

His Majesty been pleased to appoint James Glen Esq^r to be Governor of the Province of South Carolina, in America in the room of Samuel Horsey Esq^r deceased, I am to acquaint your Lordships with His Majestys Pleasure, that you should prepare Draughts of a Commission and Instructions for him accordingly, in the same manner as they were prepared for the late Governor Horsey, to be laid before His Majesty in Council for His Approbation.

I am

My Lords

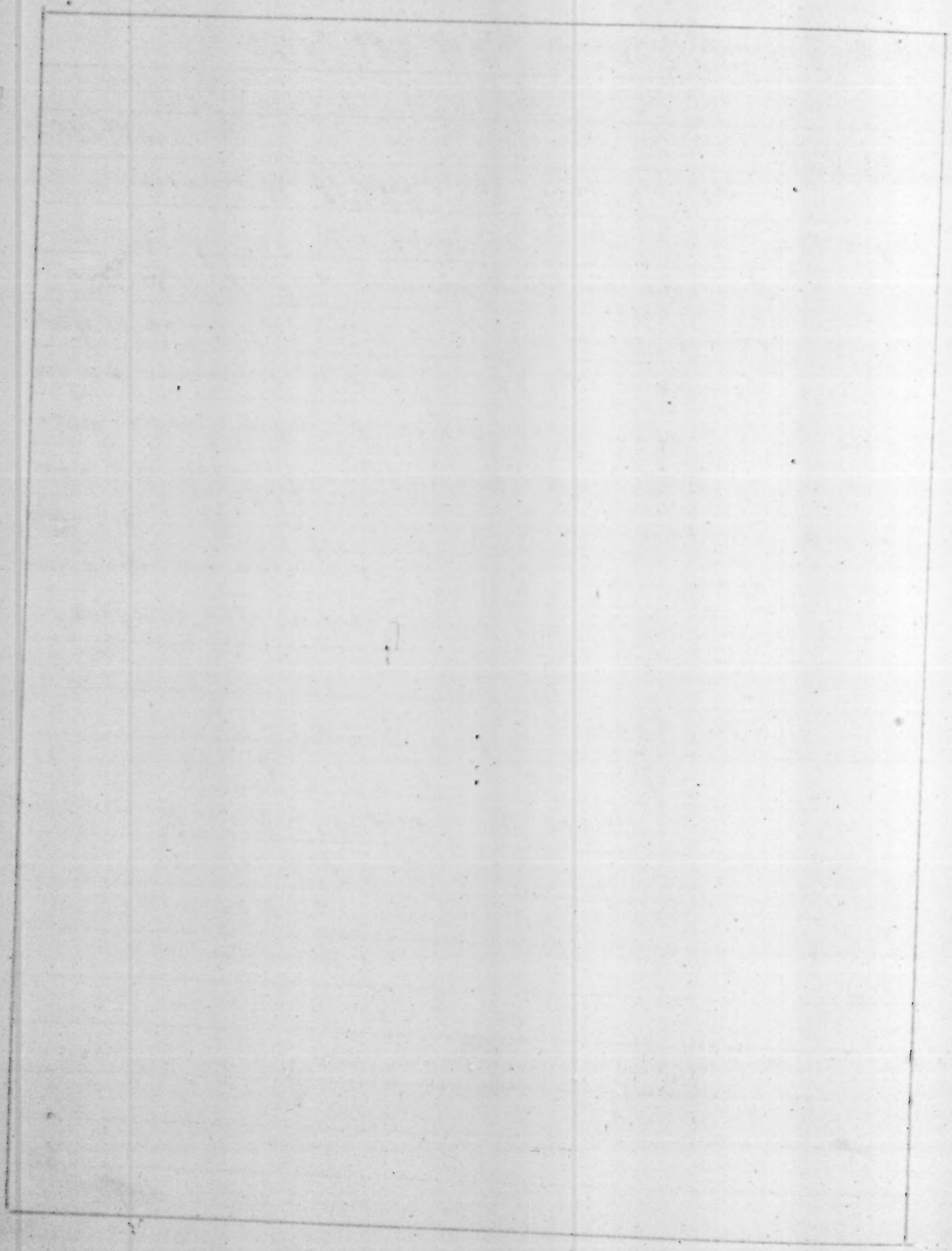
Your Lordships

most Obedient humble Servant

Holles Newcastle

Lords Commissioners for Trade & Plantations

Rec^d
Read } 22 Nov^r 1738



B. P. R. O. South Carolina (B.T.) Vol. 26. p. 306

Whitehall
Novr 28th 1735.

To his Grace the Duke of Newcastle

My Lord,

Having in Obedience to his Majesty's Commands signified to us by Your Graces Letter of the 14th Instant, prepared the Draught of a Commission for James Glen. Esqr to be Governor of South Carolina, & Lieut. General of the Forces in South Carolina and Georgia. We take Leave to inclose the said Draught to Your Grace, with Our Representation thereupon which you will please to lay before his Majesty. We are,

My Lord,

Your Graces,

Most Obedient and most humble Sts

M. Bladen
Ja. Brudenell.
Ar. Croft.
R. Plumer.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 304.

Whitehall
Nov.r 28.th 1738.

To the Kings Most Excell.t Majesty

May it please Your Majesty.

In Obedience to Your Majesty's Commands signified to us by his Grace the Duke of Newcastle One of Your Majesty's Principal Secretaries of State in his Letter of the 11th Instant, having prepared the Draught of a Commission, for James Glen Esq. to be Your Majesty's Governor of the Province of South Carolina, in the same form with that lately prepared by Your Majesty's Order, for Samuel Horsey Esq. now deceas'd.

We herewith humbly lay the same before Your Majesty, and shall prepare the necessary Instructions for him with all possible dispatch.

Which is most humbly submitted

M. Bladen. Ja: Brudenell.
Ar. Croft. R. Plumer.

George the second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith &c, To Our Trusty and Welbeloved —

James

James Glen, Esq. Greeting. We reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said James Glen, of Our especial Grace certain Knowledge and meer motion have thought fit to constitute and appoint you the said James Glen to be Our Governor in Chief and Lieut. General in and over Our Province of South Carolina in America

And We hereby require and Command you to do and execute all things in due manner, that shall belong unto Your said Command, and the Trust We have reposed in You according to the several Powers and Authorities granted or appointed You by this present Commission and the Instructions herewith given you, or by such further powers, Instructions, and Authorities, as shall at any time hereafter, be granted or appointed You under Our Signet and Sign Manual, or by Our Order in Our Privy Council, and according to such reasonable Laws and Statutes, as now are in Force or hereafter shall be made or agreed upon, by You, with the Advice and Consent of Our Council and the Assembly of Our said Province under Your Government, in such manner & form as is hereafter expressed.

And

And Our Will & Pleasure is that you the said James Glen (after the Publication of these Our Letters Patents) do in the first Place take the Oaths appointed to be taken by an Act passed in the first Year of Our late Royal Father's Reign, Entituled An Act for the further Security of His Majesty's Person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia, &c. ing. Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors, as also that you make & subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the Second, Entituled An Act for preventing Dangers which may happen from Popish Recusants And likewise that you take such Oath as is usually taken by the Governor of Our Colony of Virginia, Mutatis, Mutandis, for the due Execution of the Office and Trust of Our Governor of Our said Province for the due and impartial Administration of Justice, And further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to the Plantations be observed, which said Oaths and

Declar

Declaration Our Council in Our said Province or any Three of the Members thereof have hereby full Power and Authority & are required to tender and Administer unto You and in Your absence to Our Lieut: Governor, if there be any upon the Place, all which being duly performed, You shall administer unto the Members of Our said Council as also to Our Lieut: Governor, if there be any upon the Place, the said Oaths, mentioned in the said Act Entituled, An Act for the further Security of his Majestys Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors, As also to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due Execution of their Places & Trusts.

And We do hereby give & grant unto You full power Power and Authority to suspend any of the Members of Our said Council from sitting, Voting, & assisting therein, if You shall find just Cause for so doing.

And if it shall at any time happen that

By

by the Death, departure out of Our said Province suspension of any of Our said Councillors or otherwise there shall be a Vacancy in Our said Council (any three whereof We do hereby appoint to be a Quorum) Our Will and Pleasure is that you signify the same unto us by the first Opportunity, that We may under Our Signet & Sign Manual, Constitute & appoint others in their Stead

But that Our affairs at that Distance may not suffer for want of a due Number of Councillors, if ever it shall happen that there be less than seven of the residing in Our said Province, We do hereby give and grant unto You the said James Glen full Power and Authority to chuse as many Persons out of the Principal Freeholders, Inhabitants thereof, as will make up the full Number of Our said Council to be seven and no more, Which Persons so chosen and appointed by You, shall be to all Intents & Purposes, Councillors in Our said Province, until either they shall be confirmed by us, or that by the Nomination of others by us, under Our Sign Manual and Signet Our said Council shall have seven or more Persons in it.

And

And We do hereby give and grant unto you full Power and Authority with the Advice & Consent of Our said Council from time to time, as need shall require, to Summon and call General Assemblies of the said Freeholders and Planters within Your Government according to the Laws and Usages of Our said Province of South Carolina.

And Our Will & Pleasure is that the persons thereupon duly elected by the Major Part of the Freeholders according to such Laws and Usuages as aforesaid, and of the respective Counties and Places and so return'd, shall, before their sitting take the Oaths mention'd in the said Act, Entituled An Act for the further security of his Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open & secret abettors, as also make and subscribe the fore mention'd Declaration (which Oaths & Declaration You shall commissionate fit Persons under Our Seal of South Carolina to tender and administer unto them, & until the same shall be taken & Subscribed, no Person shall be capable of sitting

the

tho Elected) And We do hereby declare that the Persons so Elected and qualified shall be called & deemed the General Assembly of that Our said Province and Territory of South Carolina.

And that you the said James Glen with the Consent of Our said Council and Assembly or the Major Part of them respectively, shall have full Power and Authority to make, constitute and Ordain Laws, Statutes and Ordinances for the Publick Peace Welfare and good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of us Our Heirs and Successors; Which said Laws, Statutes and Ordinances are not to be repugnant, but as near as may be agreeable to the Laws and Statutes of this Our Kingdom of Great Britain.

Provided that all such Laws, Statutes and Ordinances, of what nature or Duration soever, be within three Months or sooner, after the making, thereof, transmitted unto us under Our said Seal of South Carolina, for Our Approbation or Disallowance of the same, as also Duplicates thereof by the next Conveyance.

And in case any or all of the said Laws

Statutes

Statutes and Ordinances not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, Our Heirs or Successors under Our or their Signet or Sign Manual or by Order of Our or their Privy Council unto you the said James Glen, or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved, shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly to the prejudice of us, Our Heirs and Successors, We Will and Ordain that you the said James Glen, shall have and enjoy a Negative Voice in the making and passing of all Laws, Statutes and Ordinances as aforesaid.

And you shall and may likewise from time as you shall judge it necessary, Adjourn, Prorogue, and dissolve all General Assemblies, as aforesaid.

Our further Will & Pleasure is that you shall and may keep and use the publick Seal of Our Province or Territory of South Carolina, for Sealing.

Sealing all Things whatsoever that ought to pass the Seal of Our said Province under Your Govern^t.

And We do further give and grant unto You the said James Glen full Power and Authority from time to time and at any time hereafter by Your self, or by any other to be authorized by You in that behalf to administer and give the Oaths mentioned in the said Act for the further Security of his Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret abettors, to all and every such person or persons as you shall think fit who shall at any Time or Times pass into Our said Province or shall be resident or abiding there.

And We do by these presents give and grant unto You the said James Glen full Power and Authority with the Advice and Consent of Our said Council, to Erect, Constitute and Establish such and so many Courts of Judicature & Publick Justice within Our said Province & Territory as You and they shall think fit & necessary, for the hearing and Determining of all Causes as well Crim-

inal

Criminal as Civil, according to Law and Equity and for awarding of Execution thereupon, with all reasonable and necessary Powers, Authorities, Fees & Privileges belonging thereunto; As also to appoint and Commissionate fit persons in the several parts of Your Govern^mt to administer the Oaths mentioned in the foresaid Act, as also to tender & Administer the aforesaid Declaration unto such persons belonging to the said Courts, as shall be obliged to take the same

And We do hereby Authorize and Empower You to constitute and appoint Judges, and in Cases requisite Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Province, for y^e better administration of Justice and putting the Laws in Execution; And to administer or Cause to be administered unto them such Oath or Oaths as are usually given within Our said Colony of Virginia, for the due Execution and performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto You full Power and Authority, where You shall see Cause or shall Judge any Offender or Offenders in Criminal

Matters

matters or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders and to remit all such Offences Fines and Forfeitures, Treason and Wilful Murder only Excepted. In which Case you shall likewise have power, upon extraordinary Occasions to grant Reprieves to the Offenders untill to the intent Our Royal Pleasure may be known therein.

And We do by these Presents Authorize and Empower you to collate any person or persons to any Churches, Chappels or other Ecclesiastical Benefices within Our said Province and Territory aforesaid, to which We Our Heirs and Successors are or shall be Entituled to Collate as often as any of them shall happen to be Void.

And We do hereby give and grant unto you the said James Glen by yourself or by your Captains and Commanders by you to be Authorized, full Power and Authority to Levy, Arm, Muster, Command and Employ all persons whatsoever residing within Our said Province and Territory of South Carolina, and as Occasion shall serve to March from one Place to another, or to embark them for the resisting and withstanding of all

Enemies

Enemies, Pirates and Rebels both at Land and Sea, and to Transport such Forces to any of Our Plantations in America, if necessity shall require for the Defence of the same against the Invasion or Attempts of any of Our Enemies, and such Enemies, Pirates and Rebels (if there shall be occasion) to pursue and prosecute in or out of the Limits of Our said Province and Plantations or any of them. (And if it shall so please God) them to Vanquish, apprehend and take, and being taken, according to Law to put to Death, or or Keep and preserve alive at your Discretion; And to Execute Martial Law in Time of Invasion or other Times when by Law it may be Executed and to do & execute all and every other thing & things appertaining to the Premises Subject nevertheless to such Orders and Directions as you shall receive at any time from us and so as not to interfere with or Derogate from the Powers and Authorities granted by us to James Oglethorp, Esq, whom We have appointed Our General & Commander in Chief of Our Forces in Our Provinces of South Carolina & Georgia

And We do hereby give and grant unto

You

you full Power and Authority, by and with the advice and Consent of Our said Council of South Carolina, to Erect, Raise & Build in Our said Province and Territory such and so many Forts and Platforms Castles, Cities, Boroughs, Towns and Fortifications as you by the Advice aforesaid shall Judge necessary. And the same or any of them to Fortify and Furnish with Ordnance, Ammunition and all sorts of Arms fit and necessary for the Security and defence of Our said Province. And by the Advice aforesaid the same again or any of them to Demolish or Dismantle as may be most Convenient.

And forasmuch as divers Mutinies and disorders may happen by persons Shipt and Employd at Sea, during the time of War, and to the end that such as shall be shipped and Employd at Sea during the time of War, may be better Governed and Ordered; We do hereby give and grant unto you the said James Glen, full Power and Authority to Constitute and appoint Captains, Lieut^s, Masters of Ships, and other Commanders and Officers, and to grant to such Captains, Lieut^s, Masters of Ships and other Commanders and Officers, Commissions to Execute the Law Martial, according to the direc-

tions

tions of an Act passed in the 13th Year of the Reign of King Charles 2d, Entituled, An Act for the Establishing Articles and Orders for the regulating and better Government of his Majesty's Navy's, Ships of War & Forces by Sea, during the time of War, and to use such proceedings, Authorities, Punishments, Corrections and Executions upon any Offenders or Offenders who shall be mutinous, Seditious, disorderly, or any way unruly, either at Sea or during the time of their abode or Residence, in any of the Ports, Harbours or Bays of Our said Province and Territory as the Cause shall be found to require, according to Martial Law and the said Directions during the time of War as aforesaid, Provided that nothing herein contain'd shall be construed to the enabling You or any by your Authority, to hold Plea, or have any Jurisdiction of any Offence, Cause, Matter or Thing committed or done upon the High Seas, or within any of the Havens, Rivers or Creeks of Our said Province and Territory under your Government by any Captain Lieutenant, Master, Officer, Seaman, Soldier or person whatsoever, who shall be in Our actual Service & Pay in or on board any of Our Ships of War or other Vessels acting by immediate Commission or Warrant

Warrant from Our Commissioners for executing the Office of Our High Admiral or from Our high Admiral of Great Britain for the time being, under the Seal of Our Admiralty. But that such Captain Comander, Lieut: Master, Officer, Seaman, Soldier or other person so Offending, shall be left to be proceeded against and Tryd as their Offences shall require, either by Commission under Our Great Seal of Great Britain as the Statute of the 28th of Henry the 8th directs, or by Commission from Our said Commissioners for Executing the Office of Our High Admiral or from Our high Admiral of Great Britain for the time being, according to the forementioned Act, for Establishing Articles and Orders for the regulating and better Government of His Majesty's Navy, Ships of War and Forces by Sea, and not otherwise; Provided nevertheless that all disorders & misdemeanours Committed on Shore by any Captain, Commander, Lieut Master, Officer, Seamen, Soldier or other person whatsoever, belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commrs for Executing the Office of High Admiral, or from Our high Admiral of Great Britain for the time being, under the

the Seal of Our Admiralty, may be tryd and punish'd according to the Laws of the Place, where any such disorders, Offences and Misdemeanours shall be committed on Shore, notwithstanding such Offender be in Our Actual Service, and Born in Our Pay on Board any such of Our Ships of War or other Vessels, acting by immediate Commission or Warrant from Our said Comissioners for Execuing the Office of High Admiral or Our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive any Protection for the avoiding of Justice for such Offences committed on Shore, from any presence of his being employ'd in Our Service at Sea

And Our further Will and Pleasure is, that all publick Money raised, or which shall be raised by any Act hereafter to be made within Our said Province, be issued out by Warrant from you by and with the Advice and Consent of the Council, and disposed of by you for the support of the Government, and according to the Laws of Our said Province of South Carolina, and not otherwise.

And We do likewise give and grant unto you, full

full Power and Authority, by and with the Advice and Consent of Our said Council, to settle and agree with the Inhabitants of Our said Province for such Lands, Tenements and Hereditaments as now are or hereafter shall be in Our Power to dispose of, & them to grant to any person or persons upon such Terms and under such moderate Quit Rents, services and Acknowledgments to be thereupon reserved unto us, as you by the Advice aforesaid shall think fit which said Grants are to pass and be sealed by Our Publick Seal of Our said Province, and being entred upon Record, by such Officer or Officers as are or shall be appointed thereunto, shall be good & Effectual in Law against us Our Heirs & Successors.

And We do hereby give and Grant unto You the said James Glen, full Power to Order and appoint Fairs, Marts and Markets, as also, such & so many Ports, Harbours, Bays, Havens and other Places for convenience and Security of Shipping, and for the better Loading and unloading of Goods & Merchandizes as by You, with the advice and Consent of the said Council shall be thought fit and necessary.

And We do hereby require and Command all Officers and

and Ministers Civil & Military, and all other Inhabitants of Our said Province and Territory to be Obedient, aiding and Assisting unto You the said James Glen in the Execution of this Our Commission, and of the Powers and Authorities herein contained, and in Case of Your Death or Absence Out of Our said Province to be Obedient, Aiding, and Assisting unto such Persons, as shall be appointed by Us, Our Heirs and Successors to be Lieut. Governor or Commander in Chief of Our said Province, to whom We do therefore by these Presents give and grant all and singular the Powers and Authorities herein granted to be by him Executed & enjoyed during Our Pleasure or until Your Arrival within Our said Province and whom We do hereby require to take all such Oaths and make such Declaration as are herein before appointed to be taken and made by You Mutatis Mutandis, which said Oaths & Declaration Our said Council in Our said Province or any three of the Members thereof, have hereby full Power and are hereby required to tender and Administer.

And if upon Your Death or Absence out of Our said Province, there be no Person upon the Place

Place Commissionated or appointed by us, to be Our Lieut. Governor or Commander in Chief of Our said Province; Our Will and Pleasure is, that the Eldest Councellor whose Name is first placed in Our said Instructions to You, and who shall be, at the time of Your Death, or Absence residing within Our said Province or Territory of South Carolina, shall take upon him the Administration of the Government, and Execute Our said Commission and Instructions, and the several Powers & Authorities therein contain'd in the same manner, and to all intents and purposes as other Our Governor or Commander in Chief, should or ought to do in case of Your Absence, until Your return, or in all cases until Our further Pleasure be known therein.

And We do hereby declare, Ordain and appoint that You the said James Glen, shall and may hold, Execute and Enjoy the Office & Place of Our Governor in Chief & Lieutenant General of Our said Province and Territory of South Carolina, with all its Rights, Members and Appurtenances whatsoever together with all and singular the Powers and Authorities hereby granted unto You, for and during

ing.

during Our Will and Pleasure. In Witness where-
of We have caused these Our Letters to be made
Patents. Witness

&c.

Ed.

B.P.R.O. So Carolina B.T. vol 10 f. 114

(30 Nov. 1738)

At the Court at St. Jamess
the 30th November 1738
Present
The Kings most Excellent Majesty
in Council

Whereas by Commission under the Great Seale of Great Britain the Governor Council and Assembly of His Majestys Province of South Carolina are Authorized and Empowered to make Constitute and Ordain Laws and Statutes and Ordinances for the Publick Peace Welfare and Good Government of the said Province Which Laws and Statutes and Ordinances are to be as near as Conveniently may be Agreeable to the Laws and Statutes of this Kingdom and to be transmitted for His Majestys Royal Approbation or Disallowance And Whereas in Pursuance of the said Powers An Act was past in the said Province in August 1731 Entituled
"An Act for confirming and Establishing the Antient "and Approved Method of drawing Jurors by Ballot in "the Province and for the better Administration of Justice "in Original Causes and for the Appointing of Special Courts "for the Tryal of the Causes in Transcient Persons, declaring the

320

"the Power of the Provost Marshall for allowing the Proof "of Deeds beyond the Seas as Evidence and for Repealing "the Several Acts of the General Assembly therein mentioned"

And Whereas the said Act together with a Representation from the Lords Commissioners for Trade and Plantations proposing the Repeal thereof have been referred to the Consideration of a Committee of the Lords of His Majestys most Honourable Privy Council for Plantation Affairs - The said Lords of the Committee did this day Report to His Majesty as their Opinion, that the said Act ought to be Repealed. His Majesty taking the same into His Royal Consideration, was pleased with the advice of his Privy Council, to Declare his Disallowance of the said Act, And pursuant to His Majestys Royal Pleasure thereupon expresst the said Act is hereby Repealed, Declared Void and of none Effect Whereof the Governor or Commander in Chief of His Majestys Province of South Carolina for the time being and all others whom it may concern are to take notice and Govern themselves accordingly

A true Copy
Ja: Vernon.

Recd May 8th
Read June 8th } 1739

B. P R O South Carolina B.T. Vol 4 f 102

The Case of John Hammerton Esq^r Secretary and Register of the Province of South Carolina

In the time of the Lords Proprietors It was ordained that there should be a Reg^rs office in South Carolina wherein all Deeds Leases Judgements Mortgages & other Conveyances which might concern any of the Lands within the said Province were to be enrolled or Registred. 20th June 1691 An Act was passed in the said Province Entitled an Act for the better and more certain keeping & preserving of all Registrys and publick writings of this part of this Province which Act takes Notice of the Offices of Secretary and Register as distinct offices — The Act so far as is materiall to the present Case runs in these words viz^t

Whereas the promiscuous Entrys of Deeds Sorts of Registrys & Records in Severall Books will in time tend to great confusion — And whereas heretofore many Reg^rs & Records have been Spoiled & lost for want of a due method & care in keeping & preserving them by y^e Sev^l respective Officers y^t have had y^e care & trust thereof to the great loss & damage of the Lords and absolute Proprietors of this Province & the People Inhabiting the same

Same for the prevention whereof for the future Be it Enacted by His Excellency William Earl of Craven Palatine & the rest of ye true & absolute Lords Proprietors of this Province, By & with the Advice & Consent of the rest of the Members of the General Assembly now mett at Charles Town for the South west part of this Province And it is Enacted by Authority of the Same that the Secretary Shall record & Enter the Records of every Court or office distinct in good & Sufft Books well covered which he Shall provide & keep for that purpose (that is to say) For recording all publick writings & papers that come from the Rt Honble the Lords Proprietors one, For all Courts in which the sd Secy officiates as Clerk for the Records of each Court One For all wills & all writings concerning wills & Testaments & Intestate Estates one, For recording all Grants one, For recording all warrants & other writings relateing to Land one For recording the Marks of Cattle & other Stock one. For Entring rights upon Arrival one For Ships Bonds Entrys of Vessells & other writings relateing thereto, One For recording Bonds powers of Attorneys & other papers one.

The Register of Lands shall register all Grants or Patents of Land that are brot to him to be Registered in

in a Book by themselves for that purpose provided & all other Sales & Conveyances of land & other writings & papers that belongs to his office shall be Registred in Some other Book and to every Book there shall be kept an Index or Alphabet for the ready finding any Record

And be it Enacted by the Authority aforesaid that all the publick Registrys and Records of this Province shall be kept at Charles Town in Berkly County where every respective Officer shall keep an Office & shall give Attendance by himself or his Sufficient Deputy for whom he shall answer.

1695. Another Act was passed Entitled an Act to prevent Deceit by double Mortgages & Conveyances of Land & Negroes & Chattels & In which there is a Clause in the following words

That that Sale Conveyance or Mortgage of Land & Tenements (Except Original Grants) which shall be first registered in the Regrs office in Charles Town shall be taken Deemed Adjudged Allowed of & held to be the first Sale Conveyance or Mortgage & to be good firm Substantiall & lawfull in all Courts of Judicature within South Carolina any former or other Sale Conveyance or Mortgage of the Same Land not before registered notwithstanding And that that Sale or Mortgage

gage of Negroes goods or Chattles which shall be first recorded in the Secretarys Office in Charles Town shall be taken deemed adjudged allowed & held to be the first Mortgage and good firm substantiall and lawfull in all Courts of Judicature within South Carolina Any former or other Sale or Mortgage for the same Negroes goods or Chattles not recorded in the sd Office notwithstanding.

Note . . . Here is no other Act prior to Mr Hammertons Patent that takes any notice of the Registry Office.

21 July 1700 . . . Is the date of the first Commission of the Offices in quæon that is Extant upon Record from the Lords Proprietors & by which they Appointed John Wich Esq[r] Secretary and Register of South Carolina.

9 Aug[t] 1703 . . . They Appointed Edward Willmott Secretary

3 Mar 1716 . . . They Appointed Nich Trott Secretary and Reg[r]

3 9ber 1709 . . . They Appointed Charles Craven Secretary

3 Jan[y] 1710 . . . They Appointed Charles Hart Secry And

Note . . . Mr Wich and Mr Trott were Appointed Reg[rs] as well as Secretarys by Express words & the Willmott Craven & Hart were only Appointed Secrys yet there never was any distinct or particular Commission granted by the Lords Proprietors for the Office of Reg[r] & not only Wich and Trott but Wilmott & Craven during all

their

their times Executed the Office of Regr as well as Secry & so did Hart till the Year 1719 when he was dispossed of the Office of Regr in the following manner.

Anno 1719 ... His then Matie resumed the Government of Carolina which he took from the Lords Proprietors into his own hands provisionally — And General Nicholson was Appointed his Maties Governor of South Carolina — And Mr Robert Young finding that Mr Hart's Commission was Singly of Secretary & not of Regr by name Applyed to General Nicholson & prevailed on that Govr to grant to him the said Robert Yonge the Office of Regr to hold the Same during his Maties pleasure But

N B ... Governor Nicholson Acted herein without any Instructions from the Crown or any Act of Assembly to Authorize the proceeding

And this was the first Instance of the Office of Regr being Executed by a different person from the Secrys — The Offices of Secretary & Regr having always before been Executed by one & the same person

27 7ber 1726 — ... The Lords Proprietors by their Commission Appointed Edward Berlie Esqr Secry & Regr during Life Soon after the Proprietors Surrendered the Provinces of South

South and North Carolina to the Crown.

2 Janr 1730 His present Matie by his Sign Manual directed his Attorney Generall to prepare a Bill containing a Grant to Edward Bertie & John Hammerton Esqrs of the offices of Secry & Regr of our Province of South Carolina now void by the Surrender made by the sd Edward Bertie of a Grant of the said offices from the late Lords Proprietors To have hold & during their Lives & the life of the Survivor with all Rights &c

11 Feb 1730 By Letters Patent his present Matie Grants the sd offices to the said Bertie and Hammerton in the following words.

George the Second by the Grace of God &c To all to whom these presents shall come Greeting.

Whereas the late Lords Proprietors of the Province of South Carolina in America did by a Grant under their hands & Seal of the said Province bearing the 27th day of September Anno Dñi 1726. constitute & appoint Edward Bertie Esqr to be Secretary & Regr of that part of the Province of Carolina that lies South & West of Cape Fear thereby Authorizing him & giving full power & Authority either himself or by his Deputy or Deputies from time to time by him Appointed by writing or writings under his hand & Seal to be present at all

meetings

meetings of the Govr & Council & of the Assemblies &
to keep an Exact Register of all their proceedings Acts
& Orders & also to receive from the Surveyor Genrall all
Certificates of Land by him sett out & Surveyed accord-
ing to the Warrants to him directed & to draw up all
Leases Conveyances & Assurances of Land as he should
from time to time by the said Lords Proprietors or
by the Governor with the Consent of four or more
of the Council be appointed & when they were legally
Signed & Executed he should carefully Enroll the same
& do & perform by himself or his Deputy all other
Acts usually done by the former Secretarys of that
part of the Province aforesd & the sd Lords Proprietors
did thereby further Impower him to receive all perquis-
ites Fees & advantages whatsoever to the said Office of
Secretary belonging or in anywise appertaining. To have &
to hold the sd Offices of Secretary & Register together
with all the profits & perquisites thereof to him the
said Edward Bertie & his Assigns with such power
of Appointing Deputies as aforesaid for & during the Term
of the Natural life of himself the said sd Edward
Bertie & William Bertie his Brother & the Survivor
of them as by the said recited Grant from the
Lords Proprietors Aforesaid (relation being thereunto had)

may

may more fully & at large appear) And Whereas in an Act of Parliament passed in the 2d Year of Our Reign Intitled (an Act for Establishing an Agreemt with Seven of the Lords Propr.s of Carolina for the Surrender of their Title & Interest in that Province to His Majtie) there is a Clause in the words or to the Effect following Viz.t Saving also to all & every person & persons having or lawfully claiming any Office or Offices place or places Imployt or Imployments by or under any Grant or Grants thereof made before the 1st day of Janry 1727 under the Comon Seal of the said Lords Proprietors either in England or in the Provinces aforesaid all such Estate right Title & Interest in & to such office & offices place & places Employment & Employments as they or any of them now have or might have had or been Entitled unto in case this Act had never been made as by the sd Act relation being thereunto had may appear And Whereas the sd Edward Bertie hath by an Endorsement on the Grant from the Lords Proprietors aforesaid under his hand & Seal bearing date the 21th day of December 1729 & duly Inrolled in our high Court of Chancery surrendered & yielded up to us Our Heirs & Successors the said recited Grant & all his right & Interest of in & to the

Offices

Offices of Secretary & Register of the said Province by
vertue of the said recited Grant To the End and
Intent that the same might from thenceforth be
void & Extinguished to all Intents and purposes what
soever which Surrender we have Accepted and by
these presents do Accept Now Know Ye That we
for divers good Causes & Considerations us thereunto
Moving of Our Especiall Grace certain knowledge and
meer motion Have given and granted and by these
presents for us Our heirs and Successors Do give
and Grant unto the said Edward Berkley & to our
Trusty and welbeloved John Hammerton Esq^r the Offices
of Secretary & Reg^r of our Province of South Carolina
in America And them the s^d Edward Berkley and
John Hammerton Secry and Register of our s^d Province
of South Carolina we do make ordain and Constitute
by these presents To have hold Execute and Enjoy the
Same by them the s^d Edward Berkley & John Hammerton
or either of them or by their Sufficient Deputy or
Deputys for & during the lives of the said Edward
Berkley and John Hammerton & the life of the longer
Liver of them, with all rights priveleges profits pre-
quisites and advantages to the s^d Offices belonging
& appertaining And We do hereby for us our heirs
&

& Successors Grant unto the said Edward Berlie & John Hammerton full power & Authority by themselves or either of them or by their Sufficient Deputy or Deputys by them to be Appointed by writing or writings under their hands & Seals to be present at all meetings of the Govr & Council & Assemblies & to keep an Exact Register of all their proceedings Acts and Orders & also to receive from the Surveyor or Surveyors General all Certificates of lands by him set out & Surveyed According to the Warrant to him directed & to draw up all Such Leases Conveyances & Assurances of land as the said Edward Berlie & John Hammerton Shall from time to time by us Our Heirs or Successors or by the Governor of our said Province with the Consent of four or more of the Council be directed and when they are legally Signed & Executed carefully to Inroll the Same and to do and perform by themselves or either of them or by their Deputy all other Acts usually done by the former Secretarys in Our Said Province And Lastly we do hereby for us our heirs and Successors Grant unto the said Edward Berlie and John Hammerton that these our Letters Patents or the Inrollment or Exemplification thereof Shall be in and by all things

good

good & sufficient & Effectuall in the Law According to the True Intent & meaning thereof notwithstanding the not truely or fully reciting the said Grant from the said Lords Proprietors the said Act of Parliament & Surrender or either of them or the Date thereof or any other omission Imperfection & defect matter Cause or thing whatsoever to the contrary thereof in anywise notwithstanding In Witness &c

A B — Mr Berkley is since dead & Mr Hammerton is the Survivor Grantee

2d May 1733 Robert Johnson Governor under His Matie of South Carolina Appointed Mr Nathaniel his Son Regr of the said Province & held the same during his Maties pleasure.

Mr Hammerton demanded possession of the said Office of Regr and the same being withheld from him by Mr Johnson he petitioned the President & Council to be admitted to the Exercise and Enjoyment of the said Office of Register & Granted to him as aforesaid but before the matter of that petition was determined the said Nathaniel Johnson dyed.

On this true state of the case it is humbly Conceived to be very clear & plain that Mr Hammerton is Entituled to the Office of Regr as well as Secry

of

of the Province of South Carolina Amongst many other for the following reasons.

1st ... For that from the first Establishing of the Province of South Carolina there has been such an Office as the Registers Office.

2d ... It appears from the said Acts of 1691 & 1695 that it was the duty of this Regr to Register all Patents and Grants for Sales Conveyances & Mortgages of Lands & all other writings that were required to be registered

3d ... It is an Indisputable matter of fact that the same person who was Secretary was likewise Register and did the Busyness of Regr during all the time of the Lords Propr and that no person was ever Appointed by them to do the busyness of Regr Seperate and distinct from the Secretary.

4th ... The sole right power and Authority of Appointing Officers in South Carolina notwithstanding the resumption of the Government into the hands of the Crown 1719 was in the Lords Proprietors by virtue of the Charter till their Surrender to the Crown and since that Surrender is Solely in his Majtie

5th ... It appears that the Lords Proprietors in 1725 granted both the offices of Secry and Regr to Mr Berlie

m

in which Comenession he is Empowered to do and perform only the particular matters and things therein mentioned but also all other Acts usually done by the former Secretarys and it is undoubted matter of fact that these Secretarys did all the busyness of Regr required by the said Acts of 1691 & 1695 And that no other office of Register was kept but what was kept by the Secretary. And Mr Berles right to the said office under this Grant from the late Lords Proprietors is saved & reserved to him by the Act of Parliament of Great Britain for confirming the Agreement between the Crown and the Lords Proprietors.

1th For that the present Grant of these offices from his Matie is founded on a Surrender by Mr Berle of the said Grant of the Same offices from the Lords Propre and was intended to Grant the Same offices in as full and beneficiall a Manner as Mr Berle was Entituled to have held the Same under the Said Grant from the Lords Proprietors And for that purpose the present grant from his Matie as to the discription of the said offices pursues the very words of Mr Berles Grant from the Lords Proprietors and contains a Grant of the Office of Regr as well

well as Secretary of the Province of South Carolina and Empowers the Grantees not only to do and perform the Several Matters and things therein particularly Specifyd but also all other Acts usually done by the former Secretarys And it is before Shown that every former Secry Appointed by the Lords Proprietors did all the busyness of Regr of the Province and that there was no other Register but the Secretary.

For all which reasons It is Conceivd to be One of the plainest Cases that was ever drawn into quion, that Mr Hammerton is well Entituled and has an undoubted right to the Office of Regr of the Province of South Carolina as well as that of Secretary and that he is not Confined to particular Instances of Registry Specifyd in his Grant but is Entituled to hold and Enjoy the Same in as full and Extent as any of his Predecessors did in the time and under and by virtue of the Appointment of the Lords Proprietors

Note In this State of the Case no mention is made of the Quit Rent Law because that was passed long after Mr Hammertons Grant and has not neither recived the Approbation of the Crown it cannot possibly

Affect the Case with regard to Mr Hammerton One
way or the other

Recd 8th
Read 11th } Decr 1738

B. P. R. C. South Carolina (BT) Vol 26. p. 328

Whitehall
Dec.r 21st 1738

To Francis Yonge Esq.

Sir,

I am commanded by my Lords Commissioners for Trade and Plantations, to send you the enclosed Case of Mr. Hammerton and other Papers relating thereunto, for your Opinion thereupon in Point of Law; as soon as conveniently may be. I am,

Sir,

Your most humble Servt

J. A.